

***United States Court of Appeals
for the Second Circuit***



**APPELLANT'S
APPENDIX**

ORIGINAL

76-1422

IN THE
United States Court of Appeals
For The Second Circuit

No. 76-1422

UNITED STATES OF AMERICA,

Plaintiff-Appellee.

v.

FRANK CARUSO, MICHAEL DIRIENZO, EMIL ANNATONE, ROBERT
D'ADDARIO, JOSEPH MESSINA and MICHAEL DITURI,

Defendants-Appellants.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

Volume I
JOINT APPENDIX ON BEHALF OF APPELLANTS

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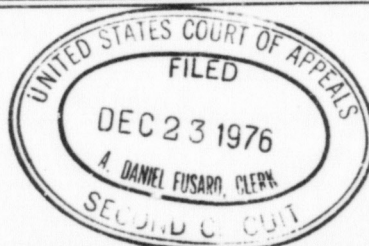
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DOCKET ENTRIES

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
THE UNITED STATES,

75 CRIM. 1157
JUDGE POLLACK

v.

FRANK CARUSO, ET AL
-----X

Proceedings

11-25-75	Filed indictment and ordered sealed. B/W's ordered and issued. Ward, J.
11-26-75	Indictment ordered unsealed. Ward, J.
12-8-75	Deft. present (Atty. present) plead not guilty. Bail at \$10,000 P.R.B. continued. Case assigned to Pollack, J. for all purposes. Metzner, J.
12-10-75	Filed documents forwarded by Magistrate Goettel: docket sheet, \$10,000 P.R.B.
01-05-76	Filed notice of appearance of atty. by Murray Richman.
01-21-76	Filed affdvt. of Carl M. Bornstein re: support of unsealing appl.
01-21-76	Filed Order that the orders re: electronic surveillance of 7-11-74 & 8-15-74 be unsealed and disclosed to counsel for each deft. herein. Pollack, J. m/n
03-02-76	Pre-trial before Pollack, J.
04-30-76	Filed deft.'s notice of motion re: discovery, and inspection, bill of particulars, production, suppression and dismissal ret: 5-24-76.

04-30-76 Filed deft.'s memo of law in support of motion for discovery, etc.

05-24-76 Filed Govt's affdvt. re: opposition to defts. omnibus motions.

05-24-76 Filed Govt's memo of law in opposition to omnibus motions.

06-01-76 Pre-trial before Pollack, J.

06-22-76 Suppression hearing began and concluded, decision reserved. Counsel to submit memorandum by 5 P.M. - 6-23-76. Pollack, J.

06-25-76 Filed Govt.'s affdvt. re: response to omnibus motions.

06-25-76 Filed memo-end. on motion docketed 4-30-76- The motions for discovery, bills of particulars and dismissal of the indictment have been satisfied between the parties except the motion to dismiss the indictment which is denied. The govt. of course is obliged to furnish any Brady material that they know of. The motion for suppression of wiretape evidence is in all respects denied. An opinion will follow. Pollack, J. mm

07-01-76 Filed deft.'s memo of law in support of motion to suppress.

07-01-76 Filed Govt.'s suppl. memo. of law re: wiretaps.

07-01-76 Filed Opinion 44699 -..In sum, the motions for suppression of the three federal wiretaps which the govt. intends to use as evidence at trial are denied. Pollack, J. mm

07-06-76 Deft. (atty. present) withdraws plea of not guilty and pleads guilty to ct. 2 P.S.I. Ordered. Sent. adj'd. to 9-20-76 11:30 A.M. room 506 before Pollack, J. Bail cont'd. pending sent. Ward, J.

07-06-76 Filed deft.'s acknowledgement of constitutional rights.

09-17-76 Filed deft.'s sentencing memorandum.

09-21-76 Filed deft.'s notice of appeal from judgment of 9-20-76. mailed copies.

DOCKET ENTRIES

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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-----X
THE UNITED STATES,

75 CRIM. 1157
JUDGE POLLACK

v.

ROBERT D'ADDARIO, ET AL
-----X

Proceedings

11-25-75	Filed indictment and ordered sealed. B/W's ordered and issued. Ward, J.
11-26-75	Indictment ordered unsealed. Ward, J.
12-8-75	Deft. present (Atty. present) plead not guilty. Bail at \$10,000 PRB continued. Case assigned to Pollack, J. for all purposes.. Metzner, J.
12-10-75	Filed documents forwarded by Magistrate Goettel: docket sheet, \$10,000 P.R.B.
01-05-76	Filed notice of appearance of atty. Murray Richman.
01-21-76	Filed affdvt. of Carl M. Bornstein re: support of unsealing appl.
01-21-76	Filed Order that the orders re: electronic surveillance of 7-11-74 & 8-15-74 be unsealed and disclosed to counsel for each deft. herein. Pollack, J. m/n
03-02-76	Pre-trial before Pollack, J.
05-24-76	Filed Govt's affdvt. re: opposition to defts. omnibus motions.
05-24-76	Filed Govt's memo. of law in opposition to omnibus motions.

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06-01-76 Pre-trial before Pollack, J.

06-22-76 Suppression hearing begun and concluded.
Decision reserved. Counsel to submit memorandum by 5 P.M. 6-23-76. Pollack, J.

06-25-76 Filed Govt.'s affdvt. in response to omnibus motions.

07-01-76 Filed Govt's memo. of law re: wiretaps.

07-01-76 Filed Opinion 44699-...In sum, the motions for suppression of the three federal wiretaps which the govt. intends to use as evidence at trial are denied. Pollack, J. mm

07-06-76 Deft. (atty. present) withdraws plea of not guilty and pleads guilty to ct. 2 P.S.I. ordered. Sent. adj'd. to 9-20-76 11:30 a.m. room 506 before Judge Pollack, Bail cont'd. Ward, J.

07-06-76 Filed deft's acknowledgment of constitutional rights.

09-20-76 Filed Judgment # _____ (atty Eugene F. Mastropieri - I.S.S. on ct. 2. 2 yrs. prob. w/super.-AND-FINED \$1,000. to be paid within ten days or the deft. is to be committed until the fine is paid or he is otherwise discharged according to law. Ct. 1 dismissed on deft.'s motion. Pollack, J. issued all copies.

09-16-76 Pre-trial before Pollack, J.

09-28-76 Filed deft's notice of appeal from June 1, 1976 motion and denial. mailed copies.

DOCKET ENTRIES

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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-----X
THE UNITED STATES,

75 CRIM. 1157
JUDGE POLLACK

v.

MICHAEL DITURI, ET AL
-----X

Proceedings

11-25-75	Filed indictment and ordered sealed. B/Ws ordered and issued. Ward, J.
11-26-75	Indictment ordered unsealed. Ward, J.
12-8-75	Deft. present (Atty. present) plead not guilty. Bail at \$10,000 PRB continued. Case assigned to Pollack, J. for all purposes.. Metzner, J.
12-10-75	Filed documents forwarded by Magistrate Goettel: docket sheet, \$10,000 P.R.B.
01-05-76	Filed notice of appearance of atty. Murray Richman.
01-21-76	Filed affdvt. of Carl M. Bornstein re: support of unsealing appl.
01-21-76	Filed Order that the orders re: electronic surveillance of 7-11-74 & 8-15-74 be unsealed and disclosed to counsel for each deft. herein. Pollack, J. m/n
03-02-76	Pre-trial before Pollack, J.
05-24-76	Filed Govt.'s affdvt. re: opposition to defts. omnibus motions.

05-24-76 Filed Govt.'s memo. of law in oppositi n to omnibus motions. 7

06-01-76 Pre-trial before Pollack, J.

06-22-76 Suppression hearing begun and concluded. Decision reserved. Counsel to submit memorandum by 5 P.M. 6-23-76. Pollack, J.

06-25-76 Filed Govt.'s affdvt. in response to omnibus motions.

07-01-76 Filed Govt.'s memo. of law re: wiretaps (suppl. memo).

07-01-76 Filed deft.'s acknowledgement of constitutional rights.

07-01-76 Deft. (atty. Murray Richman present) now pleads guilty to ct. 2. Ct. 1 carried until date of sentence. Pre-sentence report cont'd. For sentence 9-20-76 at 11:30 A.M. room 506. Bail cont'd. Pollack, J.

07-01-76 Filed Opinion 44699-...In sum, the motions for suppression of the three federal wiretaps which the govt. intends to use as evidence at trial are denied. Pollack, J. mm

9-16-76 Pre-trial before Pollack, J.

09-20-76 Filed Judgment (atty. Murray Richman) Ct. 2 - 2 yrs. impr. SERVE 2 mos. remainder of sent. E.S.S. 18:3651 3 yrs. prob. w/super. and FINED \$1,500. committed fine, etc. Ct. 1-dismissed on deft.'s motion. Execution of sent. stayed pending appeal. Bail cont'd. pending appeal. Pollack, J. issued all copies.

9-30-76 Filed notice of appeal from Judgment of 9-20-76. Mailed copies: U.S. Atty. & deft.

DOCKET ENTRIES

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
THE UNITED STATES,

75 CRIM. 1157
JUDGE POLLACK

v.

MICHAEL DIRIENZO, ET AL

-----X

Proceedings

11-25-75	Filed indictment and ordered sealed. B/Ws ordered and issued. Ward, J.
11-26-75	Indictment ordered unsealed. Ward, J.
12-8-75	Deft. present (Atty. present) plead not guilty, Bail at \$10,000 PRB secured by \$2,500 cash continued. Case assigned to Pollack, J. for all purposes..Metzner, J.
12-10-75	Filed documents forwarded by Magistrate Goettel: docket sheet, warrant for arrest, appearance bondin the sum of \$10,000, w/\$2,500. surety as security (bond after indictment) and \$10,000. appearance bond w/\$2,500. surety as security.
01-05-76	Filed notice of appearance of atty. Aaron Slakby.
01-21-76	Filed affdvt. of Carl M. Bornstein re: support of unsealing appl.
01-21-76	Filed Order that the orders re: electronic surveillance of 7-11-74 & 8-15-74 be unsealed and disclosed to counsel for each deft. herein. Pollack, J. m/n
03-02-76	Pre-trial before Pollack, J.
05-24-76	Filed Govt's affdvt. re: opposition to defts. omnibus motions.

05-24-76 Filed Govt.'s memo. of law in opposition to omnibus motions. 9

06-01-76 Pre-trial before Pollack, J.

06-22-76 Suppression hearing begun and concluded. Decision reserved. Counsel to submit memorandum by 5 P.M. 6-23-76. Pollack, J.

06-25-76 Filed Govt.'s affdvt. in response to omnibus motions.

07-01-76 Filed Govt.'s suppl. memo of law re: wiretaps.

07-01-76 Filed Opinion 44699-...In sum, the motions for suppression of the three federal wiretaps which the govt. intends to use as evidence at trial are denied. Pollack, J. mm

07-19-76 Deft. (atty present) case called for trial. Adj. until 8-23-76 at 10 A.M. room 1306. Pollack, J.

07-20-76 Filed notice of appearance of atty. Albert E. Yorio.

08-23-76 A. DiSimone, J. Bugliarelli, C. Gagliano and M. DiRienzo. Case called for trial. Deft. M. DiRienzo (attys. Albert E. Yorio and Gerald Zuckerman present) pleads guilty as to ct. 2 only. Ct. 1 carried until date of sentence. Pre-sentence report ordered. For sentence 9-20-76 at 2:15 P.M. room 128. Bail cont'd. Pollack, J.

09-21-76 Filed deft.'s notice of appeal from judgment of 9-20-76. Mailed copies.

DOCKET ENTRIES

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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-----X
THE UNITED STATES,

75 CRIM. 1157
JUDGE POLLACK

v.

JOSEPH MESSINA, ET AL
-----X

Proceedings

11-25-75	Filed indictment and ordered sealed. B/Ws ordered and issued. Ward, J.
11-26-75	Indictment ordered unsealed. Ward, J.
12-8-75	Deft. present (Atty. present) pleads not guilty. Bail at \$2,500 secured by \$250 cash continued. Case assigned to Pollack, J. for all purposes..Metzner, J.
12-10-75	Filed documents forwarded by Magistrate Goettel: docket sheet, warrant for arrest and appearance bond.
01-05-76	Filed notice of appearance of atty. Aaron Slakby.
01-21-76	Filed affdvt. of Carl M. Bornstein re: support of unsealing appl.
01-21-76	Filed Order that the orders re: electronic surveillance of 7-11-74 & 8-15-74 be unsealed and disclosed to counsel for each deft. Pollack, J. m/n
02-18-76	Filed notice of appearance of atty. Edward Panzer, Esq. 299 Bway, N.Y.C. 10007 tele: 349-6128.
03-2-76	Pre-trial before Pollack, J.

05-24-76 Filed Govt's affdvt. re: opposition to defts. omnibus motions.

05-24-76 Filed Govt's memo. of law in opposition to defts. omnibus motions.

06-01-76 Pre-trial before Pollack, J.

06-22-76 Suppression hearing held. Decision reserved. Counsel to submit memo by 5 P.M. 6-23-76. Pollack, J.

06-25-76 Filed Govt.'s affdvt. in response to omnibus motions.

06-25-76 Filed deft.'s notice of motion re: severance, etc.

06-25-76 Filed memo-end. on motion docketed this date.- Motion for a severance is denied. Discovery and a bill of particulars have been voluntarily provided to the proper extent and are otherwise denied. Motions relative to wiretap evidence are denied in all respects. An opinion will follow. Pollack, J.

07-01-76 Filed Govt.'s suppl. memo. of law re: wiretaps.

07-01-76 Filed Opinion 44699 -...In sum, the motions for suppression of the three federal wiretaps which the govt. intends to use as evidence at trial are denied. Pollack, J. mm

07-09-76 Filed deft.'s acknowledgement of constitutional rights.

07-09-76 Deft. (atty. Edward Panzer) now pleads guilty to ct. 2 only. Ct. 1 carried until the date of sent. Pre-sentence report ordered. For sent. 9-20-76 at 11 A.M. room 506. Bail cont'd. Pollack, J.

09-16-76 Pre-trial before Pollack, J.

09-28-76 Filed deft's notice of appeal from judgment of 9-27-76. Mailed copies.

09-20-76

Filed Judgment (atty. Edward S. Panzer)
Ct. 2 - 2 yrs. SERVE 2 mos. remainder of
sent. E.S.S. 18:3651. 3 yrs. prob. with
supervision, and FINED \$2,000. committed
fine. Ct. 1 dismissed on deft's motion.
Execution of sent. stayed pending appeal.
Deft. cont'd on bail pending appeal. Pollack,
J. issued all copies.

DOCKET ENTRIES

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
THE UNITED STATES,

75 CRIM. 1157
JUDGE POLLACK

v.

EMIL ANNATONE, ET AL

-----X

Proceedings

11-25-75	Filed indictment and ordered sealed. B/Ws ordered & issued. Ward, J.
11-26-75	Indictment ordered unsealed. Ward, J.
12-8-75	Deft. present (Atty. present) pleads not guilty. Bail at \$25,000 PRB continued. Case assigned to Pollack, J. for all purposes... Metzner, J.
12-10-75	Filed documents forwarded by Magistrate Goettel: docket sheet, warrant for arrest \$25,000. appearance bond.
01-05-76	Filed notice of appearance of atty. Murray Richman.
01-21-76	Filed affdvt. of Carl M. Bornstein re: support of unseal- ing appl.
01-21-76	Filed Order that the orders re: electronic surveillance of 7-11-74 & 8-15-74 be unsealed and disclosed to counsel for each deft. Pollack, J. m/n
03-2-76	Pre-trial before Pollack, J.
05-24-76	Filed Govt.'s affdvt. re: opposition to defts. omnibus motions.
05-24-76	Filed Govt.'s memo. of law in opposition to defts. omnibus motions.

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06-01-76	Pre-trial before Pollack, J.
06-22-76	Suppression hearing held. Decision reserved. Counsel to submit memo. by 5 P.M. 6-23-76. Pollack, J.
06-25-76	Filed Govt.'s affdvt. in response to omnibus motions.
07-01-76	Filed Govt's suppl. memo. of law re: wiretaps.
07-01-76	Filed Opinion 44699-....In sum, the motions for suppression of the three federal wiretaps which the govt. intends to use as evidence at trial are denied. Pollack, J. mm
07-06-76	Deft. (atty. present) withdraws plea of not guilty and pleads guilty to ct. 2 P.S.I. ordered. Sent. adj.'d to 9-20-76 11:30 A.M. room 506 before Judge Pollack. Bail cont'd. Ward, J.
07-06-76	Filed deft.'s acknowledgement of constitutional rights.
09-16-76	Pre-trial before Pollack, J.
09-23-76	Filed deft.'s notice of appeal from judgment of 9-20-76. Mailed copies.
09-20-76	Filed Judgment (atty. Michael Direnzo) Ct. 2 - 2 years impr. SERVE 4 mos. remainder of sent. E.S.S. 18:3651. 3 yrs. prob. w/super. and fined \$2,000. committed fine, etc. Ct. 1-dismissed on deft.'s motion. Execution of sent. is suspended pending appeal. Bail is cont'd pending appeal. Pollack, J. issued all copies.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

75 CRIM. 1157 15

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UNITED STATES OF AMERICA :

- v - :

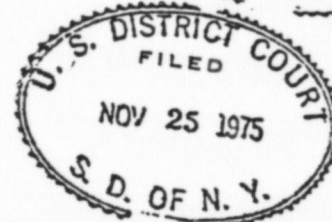
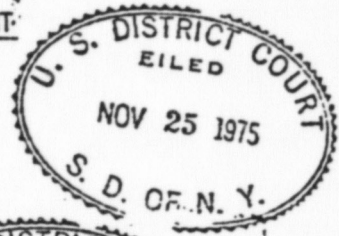
FRANK CARUSO, ROBERT D'ADDARIO, :
MICHAEL DITURI, MICHAEL DIRIENZO, :
a/k/a "The Fish," ANDREW DiSIMONE, :
JOSEPH BUGLIARELLI, a/k/a "Blue," :
LEO FARANDA, CARMINE GAGLIANO, :
JOSEPH MESSINA, DANIEL LATELLA, :
and EMIL ANNATONE, :

Defendants. :

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INDICTMENT

75 Cr.



COUNT ONE

The Grand Jury charges:

1. From in or about January, 1974, and continuously thereafter up to and including the date of the filing of this indictment, in the Southern District of New York, FRANK CARUSO, ROBERT D'ADDARIO, MICHAEL DITURI, MICHAEL DIRIENZO, a/k/a "The Fish," ANDREW DiSIMONE, JOSEPH BUGLIARELLI, a/k/a "Blue," LEO FARANDA, CARMINE GAGLIANO, JOSEPH MESSINA, DANIEL LATELLA, and EMIL ANNATONE, the defendants, did unlawfully, wilfully, and knowingly combine, conspire, confederate and agree, together and with each other and with other persons to the Grand Jury known and unknown, to commit offenses against the United States, to wit, to violate Title 18, United States Code, Section 1955.

2. It was part of said conspiracy that said defendants would unlawfully, wilfully and knowingly conduct, finance, manage, supervise, direct and own an illegal gambling business, to wit, a sports betting and mutuel race horse policy business (a) being in violation of the laws of the State of New York, to wit, New York State Penal Law, Sections 225.05 and 225.10, (b) involving five or more persons who conduct, finance, manage, supervise, direct and own a part of said illegal gambling business, and (c) being and remaining in substantially continuous operation for a period in excess of thirty (30) days and having a gross revenue of two thousand dollars (\$2,000) in a single day.

3. Among the means whereby the defendants carried out the conspiracy were the following:

a. The defendant FRANK CARUSO, utilizing the premises of the Rosewood Luncheonette, located at 3263 White Plains Road, Bronx, New York, together with the defendant ROBERT D'ADDARIO, controlled, directed, managed and supervised the illegal gambling business, which operated at various locations in the County of the Bronx, including, among others, the premises of Mike's Espresso, located at 3607 Bronxwood Avenue, Bronx, New York, and the premises of Faranda Groceries, Inc., located at 3601 Barnes Avenue, Bronx, New York. Each of those locations, hereinafter described as wire rooms, was managed and supervised by the defendants as described hereinafter.

b. The defendant MICHAEL DITURI, together with the defendant JOSEPH MESSINA, operated, conducted, directed and managed the wire room in the premises of Mike's Espresso, 3607 Bronxwood Avenue, Bronx, New York.

c. The defendant LEO FARANDA, operated, conducted, directed and managed the wire room in the premises of Faranda Groceries, Inc., 3601 Barnes Avenue, Bronx, New York.

d. The wire rooms, including those specified herein, cooperated with and assisted each other in the operation of the illegal gambling business by:

(i) Accepting sports and mutuel race horse policy wagers from individual bettors not named herein who would telephone the various wire rooms to place their bets;

(ii) Exchanging information concerning current odds (commonly known as the "line") on sporting events;

(iii) Relaying and advising each other of recent betting results including the daily winning policy number.

(iv) Placing and receiving large wagers with each other so that no single wire room would be exposed to a large loss (commonly known as "laying off");

(v) Reviewing amounts of money owed to or by bettors or other participants in the illegal gambling business (commonly known as the "pay and collects") as a result of their betting activity.

OVERT ACTS

In furtherance of said conspiracy and to effect the objects thereof, the defendants, in the Southern District of New York, and elsewhere, committed and caused to be committed, among others, the following overt acts:

1. On or about June 30, 1974, the defendant FRANK CARUSO, ROBERT D'ADDARIO, MICHAEL DITURI, MICHAEL DIRIENZO, and ANDREW DiSIMONE were in the premises of the Rosewood Luncheonette, 3263 White Plains Road, Bronx, New York.

2. On or about July 7, 1974, the defendants FRANK CARUSO, ROBERT D'ADDARIO, MICHAEL DITURI, MICHAEL DIRIENZO, ANDREW DiSIMONE and LEO FARANDA were in the premises of the Rosewood Luncheonette, 3263 White Plains Road, Bronx, New York.

3. On or about July 13, 1974, the defendant MICHAEL DITURI placed a telephone call to and had a conversation with the defendant LEO FARANDA.

4. On or about July 13, 1974, the defendant FRANK CARUSO placed a telephone call to and had a conversation with the defendant MICHAEL DITURI.

5. On or about July 13, 1974, the defendant LEO FARANDA placed a telephone call to and had a conversation with the defendant JOSEPH MESSINA.

6. On or about July 13, 1974, the defendant EMIL ANNATONE placed a telephone call to and had a conversation with the defendant MICHAEL DITURI.

7. On or about July 13, 1974, the defendant ROBERT D'ADDARIO placed a telephone call to and had a conversation with the defendant MICHAEL DITURI.

8. On or about July 13, 1974, the defendant CARMINE GAGLIANO placed a telephone call to and had a conversation with the defendant MICHAEL DITURI.

9. On or about July 15, 1974, the defendant FRANK CARUSO placed a telephone call to and had a conversation with the defendant LEO FARANDA.

10. On or about July 15, 1974, the defendant MICHAEL DITURI placed a telephone call to and had a conversation with the defendant FRANK CARUSO.

11. On or about July 15, 1974, the defendant LEO FARANDA placed a telephone call to and had a conversation with the defendant MICHAEL DITURI.

12. On or about July 15, 1974, the defendant JOSEPH MESSINA placed a telephone call to and had a conversation with the defendant JOSEPH BUGLIARELLI.

13. On or about July 16, 1974, the defendant MICHAEL DITURI placed a telephone call to and had a conversation with the defendant JOSEPH BUGLIARELLI.

14. On or about July 20, 1974, the defendant MICHAEL DITURI placed a telephone call to and had a conversation with the defendant JOSEPH BUGLIARELLI.

15. On or about July 20, 1974, the defendants FRANK CARUSO and MICHAEL DITURI were in the premises of Mike's Espresso, 3607 Bronxwood Avenue, Bronx, New York.

16. On or about July 22, 1974, the defendant JOSEPH MESSINA placed a telephone call to and had a conversation with the defendant LEO FARANDA.

17. On or about July 22, 1974, the defendant FRANK CARUSO placed a telephone call to and had a conversation with the defendant JOSEPH MESSINA.

18. On or about July 22, 1974, the defendant EMIL ANNATONE placed a telephone call to and had a conversation with the defendant JOSEPH MESSINA.

19. On or about July 24, 1974, the defendant FRANK CARUSO placed a telephone call to and had a conversation with the defendant MICHAEL DITURI.

20. On or about July 24, 1974, the defendant MICHAEL DITURI placed a telephone call to and had a conversation with the defendant LEO FARANDA.

21. On or about July 24, 1974, the defendant MICHAEL DITURI placed a telephone call to and had a conversation with the defendant ROBERT D'ADDARIO.

22. On or about July 24, 1974, the defendant CARMINE GAGLIANO placed a telephone call to and had a conversation with the defendant MICHAEL DITURI.

23. On or about July 24, 1974, the defendant ROBERT D'ADDARIO placed a telephone call to and had a conversation with the defendant JOSEPH MESSINA.

24. On or about July 24, 1974, the defendant EMIL ANNATONE placed a telephone call to and had a conversation with the defendants JOSEPH MESSINA and MICHAEL DITURI.

25. On or about July 25, 1974, the defendant LEO FARANDA placed a telephone call to and had a conversation with the defendant MICHAEL DITURI.

26. On or about July 25, 1974, the defendant CARMINE GAGLIANO placed a telephone call to and had a conversation with the defendant MICHAEL DITURI.

27. On or about July 25, 1974, the defendant EMIL ANNATONE placed a telephone call to and had a conversation with the defendant JOSEPH MESSINA.

28. On or about July 29, 1974, the defendant FRANK CARUSO placed a telephone call to and had a conversation with the defendants JOSEPH MESSINA, MICHAEL DITURI and ANDREW DiSIMONE.

29. On or about August 16, 1974, the defendant ROBERT D'ADDARIO placed a telephone call to and had a conversation with the defendant CARMINE GAGLIANO.

30. On or about August 21, 1974, the defendant MICHAEL DIRIENZO was inside the premises of the Rosewood Luncheonette, 3263 White Plains Road, Bronx, New York.

31. On or about August 31, 1974, the defendant FRANK CARUSO placed a telephone call to and had a conversation with the defendant MICHAEL DITURI.

32. On or about October 8, 1974, the defendants FRANK CARUSO and DANIEL LATELLA were inside the premises of the Rosewood Luncheonette, 3263 White Plains Road, Bronx, New York.

33. On or about October 9, 1974, the defendant MICHAEL DITURI was inside the premises of the Rosewood Luncheonette, 3263 White Plains Road, Bronx, New York

34. On or about October 12, 1974, the defendants FRANK CARUSO and ROBERT D'ADDARIO were inside the premises of the Rosewood Luncheonette, 3263 White Plains Road, Bronx, New York.

(Title 18, United States Code, Section 371)

COUNT TWO

The Grand Jury further charges:

From in or about January, 1974, and continuously thereafter up to and including the date of the filing of this indictment, in the Southern District of New York and elsewhere, FRANK CARUSO, ROBERT D'ADDARIO, MICHAEL DITURI, MICHAEL DIRIENZO, ANDREW DiSIMONE, JOSEPH BUGLIARELLI, LEO FARANDA, CARMINE GAGLIANO, JOSEPH MESSINA, DANIEL LATELLA, and EMIL ANNATONE, the defendants, did unlawfully, wilfully and knowingly conduct, finance, manage, supervise, direct and own an illegal gambling business, to wit, a sports betting and mutuel race horse policy business (a) being in violation of the laws of the State of New York, to wit, New York State Penal Law, Sections 225.05 and 225.10, (b) involving five or more persons who conduct, finance, manage, supervise, direct and own a part of said illegal gambling business, and (c) remaining in substantially continuous operation for a period in excess of thirty (30) days, and having a gross revenue of two thousand dollars (\$2,000) in a single day.

(Title 18, United States Code, Sections 1955 and 2)

Charles C. Link
FOREMAN

Thomas J. Cahill
THOMAS J. CAHILL
United States Attorney

In the Matter

of

EAVESDROPPING
WARRANT

the interception of certain wire communications transmitted over telephone line and instrument number 547-6912, listed to RHONDA WHALEN, and located in the SECOND FLOOR of a two family house at 773 BURKE AVENUE, BRONX, NEW YORK.

BEST COPY AVAILABLE

IT APPEARING from the affirmation of Mario Novola, District Attorney of Bronx County, dated the 26th day of October, 1973, the affirmation of Assistant District Attorney Eliot L. Kaplan, dated the 26th day of October, 1973, and the affidavit of Sergeant Alfred Walsome, New York City Police Department, duly sworn to on the 26th day of October, 1973, all related to the interception of telephonic communications being transmitted over telephone line and instrument bearing number 547-6912, listed to RHONDA WHALEN and located in the second floor of a two family house at 773 BURKE AVENUE, BRONX, NEW YORK, that there is reasonable and probable cause to believe that evidence of the crimes of Promoting Gambling, Possession of Gambling Records, and Conspiracy to commit said crimes will be obtained by intercepting telephonic communications being transmitted over the aforementioned telephone line and instrument, and the Court being satisfied that said evidence, essential to the prosecution of said crimes, cannot be obtained in any other way, and there being nothing to indicate that the conversations are otherwise legally privileged, it is

ORDERED, that the District Attorney of Bronx County, or his duly authorized agents, or any police officer acting under his direction, be and is hereby authorized and empowered, between the hours of 10:00 AM and 9:00 PM, to intercept and record the telephonic communications of certain persons whose identities are presently unknown, relating to the acceptance of gambling wagers,

the payment of gambling debts, the gambling odds applying to a particular sporting event and any other communication attendant to the conduct of an illegal gambling operation, and being transmitted over telephone number 547-6912, listed to RHONDA WHALEN, and located in the second floor of a two family house at 773 BURKE AVENUE, Bronx, New York, which persons, acting in the capacity of supervisors, wireroom operators, figuremen, clerks and runners, are conducting an illegal gambling operation at the above-captioned premises and over the above-captioned telephone line and number; and to cut, break, tap, and make connections with such wires leading to and from said telephone line and instrument which may be reasonable for that purpose; and to do all things necessary to permit communications over said telephone line and instrument to be intercepted for the purpose of obtaining evidence with regard to the commission of the crimes of Promoting Gambling, Possession of Gambling Records and of Conspiracy to commit said crimes; and it is further

ORDERED, THAT nothing herein contained shall be construed as authorizing the District Attorney or his agents to overhear or intercept any communications which appear privileged or unrelated to the aforementioned crimes, and it is further

ORDERED, that the agents and employees of the New York Telephone Company are directly constrained not to divulge the contents of this order nor the existence of electronic eavesdropping over the above-captioned telephone line and instrument to any person, including but not limited to the subscribers of the above-captioned telephone instrument whether or not the said subscriber requests that the said telephone instrument be checked to determine the existence of any electronic interception of communications, and it is further

ORDERED, that this order not be terminated upon the acquisition of a particular conversation but is to continue up to and including the expiration date as herein set forth, and it is further

ORDERED, that the provisions of this order shall be in full force and effect for a period of thirty (30) days from the effective date of this order; and that such interception may begin at any time between the hours of 10:00 AM and 9:00 PM, and it is further

ORDERED, that this warrant shall be executed as soon as practicable and interceptions shall be conducted in such a way as to minimize non-authorized interceptions.

DATED: Bronx, New York
October 26, 1973



JUSTICE OF THE SUPREME COURT

In the Matter

of

APPLICATION FOR

EAVESDROPPING

WARRANT

the interception of certain wire communications transmitted over telephone line and instrument number 547-6912, listed to RHONDA WHALEN and located in the second floor apartment of a two family house at 773 BURKE AVENUE, BRONX, NEW YORK.

-X

MARIO MEROLA, under the penalty of perjury and pursuant to Rule 2106 C. P. L. R., affirms and says:

I am the District Attorney of Bronx County and make this application for an eavesdropping warrant authorizing the interception of certain wire communications.

I have read the annexed affirmation of Assistant District Attorney Eliot L. Kaplan and affidavit of Sergeant Alfred Welsome, New York City Police Department, which are incorporated herein and made a part of this application, and which, to your affiant's knowledge, information and belief are complete and accurate.

Based upon the facts set forth in said sworn statements, I respectfully submit to the Court that there are reasonable grounds and cause to believe that evidence of the commission of the crimes of Promoting Gambling, Possession of Gambling Records, and Conspiracy to commit said crimes may be obtained by intercepting the telephonic communications being transmitted over the telephone line and instrument number 547-6912 listed to RHONDA WHALEN, located in the second floor of a two family house at 773 BURKE AVENUE, BRONX, NEW YORK.

To my knowledge, information, and belief the conversations sought to be intercepted are not otherwise legally privileged. Based on my communications with Assistant District Attorney Kaplan and Sergeant Welsome, all police techniques which could be utilized have been utilized and the only way we will be able to apprehend the perpetrators of the crimes herein set forth is through the utilization of eavesdropping. I believe the nature

of the criminal activity involved is of sufficient public importance to warrant the employment of electronic interception devices.

Your deponent respectfully requests that an order authorizing the interception of telephonic communications be in effect for a period of thirty (30) days from the date of the installation of the electronic device to telephone line and number 547-6912 and that the warrant or order not terminate upon the obtaining of a specific conversation for the reasons set forth in the annexed affirmation and affidavit.

On June 30, 1971, the Honorable Harold Birns, Justice of the Supreme Court, signed a warrant authorizing the interception of wire communications transmitted over telephone line and number 654-5821 listed to one Thomas Whalen and located in the second floor of a two family house at 773 Burke Avenue, Bronx, New York. The telephone line and number whose wire communications are sought to be intercepted by this application, to wit, 547-6912, are located in the same second floor premises at 773 Burke Avenue, Bronx, New York, and are listed to one Rhonda Whalen, wife of the above-mentioned Thomas Whalen. Based upon Sergeant Welsome's affidavit, I understand that no wire communications were overheard or intercepted pursuant to said warrant signed by Mr. Justice Birns. Other than said application, No other application for the relief sought herein has been made to any Court, Judge, or Justice.

DATED: Bronx, New York
October 26, 1973


MARIO MEROLA, DISTRICT ATTORNEY

In the Matter
of

the interception of certain wire communications
transmitted over telephone line and instrument
number 547-6912, listed to RHONDA WHALEN, and
located in the SECOND FLOOR of a two family
house at 773 BURKE AVENUE, BRONX, NEW YORK.

AFFIRMATION IN
SUPPORT OF
APPLICATION FOR
EAVESDROPPING
WARRANT

ELIOT L. KAPLAN, under the penalty of perjury and
pursuant to Rule 2106 C.P.L.R., affirms and says:

1. I am an Assistant District Attorney in the
Office of Mario Merola, District Attorney for Bronx County,
assigned to the Rackets Bureau, one of the principal functions of
which is the investigation and prosecution of cases involving
organized criminal activity.

2. In this capacity, I am conducting an investiga-
tion into a gambling operation conducted and directed by parties
whose identities are unknown through the use of the above-captioned
premises and telephone line and number in violation of Article 225
of the New York State Penal Law, specifically the provisions en-
titled Promoting Gambling, Possession of Gambling Records and
Conspiracy to commit those crime, relating to the conduct of a
bookmaking operation.

3. This affirmation is submitted in support of
District Attorney Mario Merola's application for an Evesdropping
Warrant.

4. The objects of this investigation are (1) the
procurement of evidence necessary for the successful prosecution
of those persons (2) the location of wirerooms in associated
operations (3) the locations of the figurerooms of this and
associated operations.

5. Based upon the information in Sgt. Alfred Welsome's affidavit which I have read and which is attached hereto it is my opinion that there is probable cause to believe that the above-captioned premises and telephone line and number are being utilized by parties whose identities are presently unknown to conduct a gambling operation.

6. The objectives set forth in paragraph 4 hereinabove can only be obtained through the use of court ordered electronic surveillance. The need for electronic surveillance and the reasons why other conventional means of investigation could not succeed in achieving the goals set forth in paragraph 4 supra, are set forth in Sgt. Welsome's affidavit.

7. Wherefore, I respectfully request that an eavesdropping order, in the form annexed, be issued by this Court.

8. Said Order is limited to conversations of those persons conducting the above-mentioned gambling operation in the capacity of supervisors, wireroom operators, figuremen, clerks, and runners for the purpose of accepting bets on horse races and sports events. Said warrant is further limited to conversations pertaining to bookmaking activity including the placing and accepting of bets, recitation of the line, arrangement of meeting to pay and collect monies, and discussions of persons engaged in illegal gambling activity as they occur over the above-captioned telephone. Said conversations can be expected to occur between 10:00 A.M. and 9:00 P.M.

9. I am in possession of no information which would indicate that any of the conversations to be intercepted may be expected to come within any privilege under any applicable rule of law. The eavesdropping Warrant will be executed in such a manner as to minimize the possibility of intercepting privileged or non-pertinent conversations. No conversations which appear privileged or unrelated to this investigation will be intercepted.

10. All appropriate investigating techniques will be used in conjunction with information obtained from the intercepted conversations and all leads will be followed with the purpose of insuring the success of obtaining sufficient intelligence and evidence for successful prosecution of the conspirators.

11. The conversations to be intercepted will be recorded under my supervision on tapes which will be safeguarded and kept at all times in the custody of the Bronx County District Attorney's Office, will be protected from editing or other alteration and will be used solely and appropriately in the lawful investigation and prosecution of the crimes referred to in paragraph 2 hereinabove.

12. In view of the continuing nature of the criminal activity described herein, it is further requested that should this order be granted, its authorization for interception not automatically terminate when conversations of the type described in paragraph 8 have been first obtained. It is my opinion that evidence sufficient to properly prosecute the appropriate persons committing the crimes referred to in paragraph 2 can be obtained only by the interception of several conversations. In no event, however, should said order authorize interception for more than thirty (30) days after its effective date.

13. On June 30, 1971, the Honorable Harold Eiras, Justice of the Supreme Court, signed a warrant authorizing the interception of wire communications transmitted over telephone line and number 654-5821 listed to one Thomas Whalen and located in the second floor of a two family house at 773 Burke Avenue, Bronx, New York. The telephone line and number whose wire communications are sought to be intercepted by this application, to wit, 547-6912, are located in the same second floor premises at 773 Burke Avenue, Bronx, New York, and are listed to one RHONDA WHALEN, wife of the above-mentioned Thomas Whalen. I have been informed by Sgt. Welsome that no wire communications were overheard or intercepted

pursuant to said warrant signed by Mr. Justice Birns. Other than said application, no other application for the relief sought herein has been made to any court, Judge or Justice.

DATED: Bronx, New York
October 26, 1973

Eliot L. Kaplan

ELIOT L. KAPLAN
Assistant District Attorney

-----X
In the Matter
of

the interception of certain wire communications
transmitted over telephone line and instrument
number 547-6912, listed to RHONDA WHALEN, and
located in the SECOND FLOOR of a two family
house at 773 BURKE AVENUE, BRONX, NEW YORK.
-----X

AFFIDAVIT IN
SUPPORT OF
APPLICATION
FOR FANEDUCIT-
ING WARRANT

STATE OF NEW YORK } ss.:
COUNTY OF BRONX }

ALFRED WELSHOME, being duly sworn, deposes and says:

1. I am a Police Sergeant in the New York City Police Department, Shield #1773 currently assigned to the Public Morals Division, Central Investigation Section of the Organized Crime Control Bureau (hereinafter OMCCIS), one of the principal functions of which is to investigate large scale gambling operations. I have been a police officer for fourteen years, the last nine of which I have been assigned to similar units. In the course of my official duties, I have made and supervised over 400 arrests for violations of the New York State Gambling Laws, in connection with which, I have been accepted as, and testified as, an expert witness in Grand Juries, Criminal Courts and Supreme Courts of all five New York Counties. In addition, I have been consulted as an expert on gambling matters by the District Attorney Offices of Nassau and Westchester Counties as well as by agents of the Federal Bureau of Investigation and the Internal Revenue Service. I presently supervise a team of police officers specializing in bookmaking investigations. Pursuant to court order, I have had occasion, as have all of my team members, to listen to, record, analyze and make use of the daily routine business conversations of bookmakers and wireroom operators using their specialized jargon of the trade.

2. I am currently investigating an organized bookmaking operation which is based in Bronx County and which employs the above-captioned premises as a gambling wireroom.

3. This affidavit is submitted in support of District Attorney Mario Merola's application for an eavesdropping warrant.

The Prototype Gambling Operation.

4. A wireroom is the nerve-center of a gambling operation. Generally located in an apartment or empty store or a small office, it is manned by clerks who accept and process wagers on sports events and horse races. The clerks in the office are in communication with other wirerooms to "lay off" excess bets they have accepted and to check the "line" (the odds on the various contests). At night the "work" (written records of bets) is taken from the wireroom to a "figureroom" where the "figuremen" total the amounts of money won and lost by each player and runner (the man responsible for a group of players). The figures are then returned to the wireroom to be disseminated the following day.

5. Background of this Investigation.

On September 12, 1973, upon an application by Alfred J. Scotti, Acting District Attorney of New York County, a wiretap order was signed by the Honorable Burton B. Roberts, Justice of the Supreme Court, authorizing the interception of wire communications over telephone lines and numbers 594-6466 and 736-2552, listed to Oscar Blackman Associates and located in Room 744-A of 55 West 42nd Street, County, City and State of New York. Said order was based upon information received by the New York City Police Department from the Federal Bureau of Investigation and surveillance undertaken by said Police Department, which information and surveillance established the existence of probable cause to believe that evidence of the crimes of Promoting Gambling, Possession of Gambling Records and Conspiracy to commit said crimes

would be obtained by intercepting telephone communications over the above-mentioned telephone lines and instruments located in New York County. Pursuant to Justice Roberts' order, electronic eavesdropping equipment was installed on said telephone lines and numbers and telephone communications were intercepted and recorded.

6. During the course of said interceptions, numerous outgoing calls were made from the above-mentioned New York County telephones to telephone number 547-6912, the telephone line and number which are the subject of the instant application. On September 21, 1973, at approximately 1:48 P.M., the following telephone call from 594-6466 into 547-6912 was intercepted and recorded:

Male Voice: Hello.

Fred: Hello, glove for Oscar

Male Voice: Yeah, glove

Fred: What have you got those games at

Male Voice: I got Seaver 70 Blass.

Fred: Seaver 70

Male Voice: Hooten a dime Rogers

Fred: Hooten a dime

Male Voice: Weiss, 20 Lonberg

Fred: 20

Male Voice: Billingham a dime Osten

Fred: I have it down. Have you got those two football game tonight.

Male Voice: I don't use them till tonight.

Fred: huh.

Male Voice: I don't open until tonight.

Fred: I'm uh...I'm talking about today's games.

Male Voice: I know..but I still don't open until tonight.

Fred: You still don't have them, huh.

Male Voice: Right.

Fred: Ah...take this bet..horse bet then..in the sixth... where the hell is it...8th at NY.

Male Voice: 8th at Belmont, yeah.

Fred: Pokerland,

Male Voice: Pokerland

Fred: Half win and half place

Male Voice: half and half

Fred: Got yesterday figures then?

Male Voice: Yesterday you win 6 and 1/2.

Fred: Heh.

Male Voice: You win 6 1/2.

Fred: 6 1/2 yesterday.

Male Voice: Oh, I'm giving you the wrong day, I'm giving you the day before...yesterday you win a dollar-thirty.

Fred: Yesterday I got 285.

Male Voice:inaudible..

Fred: Let me see, I'll take a look at it here...glove..uh.. the horse at Atlantic City scratched.

Male Voice: "Head Table" you win ainaudible.

Fred: I mean as uh...inaudible.

Male Voice: Cinderalla, one scratch.

Fred: That scratch, right.

Male Voice: That's all you got.

Fred: That's all I got, let me see I bet two, three dollar winners.

Male Voice: Yeah...dollar winners.

Fred: 215

Male Voice: Oh, I'm giving you the wrong ticket..hang on.

Fred: Go ahead.

Male Voice: Mumbling...285, what did I say you won.

Fred: 285 you said uh... I don't know it wasn't plus 285.

Male Voice: I said one thirty.

Fred: Alright, that's right 285, right.

Male Voice: 285 you had three dollars on the Jenkins, you... (telephone ringing in background) you give me 15 and you win 3 and a half dollar scratch

Fred: Alright that's it..... 285.

Male Voice: 285

Fred: Right kid. -----

7. On October 5, 1973, at approximately 1:37 P. M., the following telephone call from 594-6466 into 547-6912 was intercepted and recorded:

M/V Hello.

Fred: Hello, Glove for Oscar.

M/V: Yeah, Glove how are you?

Fred: Ah, let me see...what the fuck...what have you got number 16, Texas A and M.

M/V Sixteen...6 and 1/2

Fred: Six and a half. Now, ah... go down 19 Princeton.

M/V Nineteen...that should be close to that four.

Fred: Got that one as four... ah number...what is it fifty.. no...no sixty Oak State.

M/V: Fourteen

Fred: That's fourteen...what have you got Notre Dame?

M/V: Twenty-eight.

Fred: Twenty-eight...give me Michigan State.

M/V: Michigan State

Fred: Michigan State plus the twenty-eight.

M/V: The twenty-eight.

Fred: For a nickle.

M/V: For a nickle.

Fred: I have another piece here if I can find the god damn thing, you got uh South Carolina on # 3.

M/V: No.

Fred: Took that off (telephone ringing in back)...alright, I guess you have one...uh...what is that number 64 Iowa.

M/V: 64 (telephone ringing in back) two.

Fred: Two.....give me Iowa.

M/V: Iowa

Fred: Minus the two.

M/V: For two.

Fred: For a nickel

M/V: For a nickel

Fred: And that's about it I guess.

M/V: Michigan State and Iowa for a nickel each.

Fred: Right Ken.

M/V: Right.

Fred: Um. -----

8. On October 9, 1973, at approximately 12:10 PM, the following telephone call from 594-6466 into 547-6912 was intercepted and recorded:

M/V: Hello.

Leon: Yeah, this is Oscar.

M/V: Yesterday you got uh...Freddy collect 11.

Leon: Yeah.

M/V: Junior Collect.

Leon: Yeah.

M/V # 24 Collect 33.

Leon: Yeah.

M/V: Gloves collect 880.

Leon: Yeah.

M/V: Sally collect 21 and a quarter.

Leon: Yeah.

M/V: Um...Oscar collect 50.

Leon: Yeah.

M/V: And Al pay a dollar.

Leon: What's the total there?

M/V: 8455

Leon: Ok...got a line.

M/V: Yeah, well I didn't get my football yet...I'm waiting for it.

Leon: You're waiting for it.. what are you using in Baseball.

M/V: Norman 5-15 Stone.

Leon: Norman 15 Stone

M/V: Holtzman 35 Cuellar

Leon: Holtzman 35 Cuellar

M/V: Right.

Leon: Right.

9. On October 9, 1973, at approximately 12:35-PM, the following telephone call from 594-6466 into 547-6912 was intercepted and recorded:

M/V: Hello.

Leon: Yeah, this is Oscar, you got the line.

M/V: I give you the baseball didn't I.

Leon: Yeah.

M/V: Now the football didn't come up yet and the baseball.

Leon: Oh....well...you thing your man will have it today.

M/V: Yeah, sure.

Leon: Alright, you have uh...you gave me the uh 515 Cincinnati.

M/V: Right.

Leon: Uh... I got the mets Uh...the Mets for a dime.,

M/V: Plus a nickel for a dime.

Leon: Right, uh that's the pitchers you know...right I'm sorry.

M/V: Yeah, that's alright, Norman-Elkaid is the pitchers you want.

Leon: Yeah, you know.... so uh...a guy can get hurt warming up, you know what I mean, could be a technicality.

M/V: Ok.

Leon: Right...

M/V: So long.

10. "Fred" and "Leon" were the names of the parties who used the above-mentioned telephone lines and numbers 594-6466 and 736-2552 located in New York County. The parties conversing on the above-captioned telephone, 547-6912, are presently unknown. Although it is not known whether Thomas Whalen, the husband of RHONDA WHALEN, to whom telephone line and number 547-6912 are listed, is one of the male voices in the above conversations, it is noted that said Thomas Whalen has a criminal record reflecting a Criminal conviction arising out of an arrest on July 8, 1969 for gambling offenses and an additional arrest for gambling felonies, occurring on August 20, 1971, the disposition of which is presently unknown to your affiant.

11. An analysis of the above conversations indicates that the telephone line and instrument 547-6912 listed to RHONDA WHALEN and its listed premises in the second floor of a two family house at 773 Burke Avenue, Bronx, New York, are being used by supervisors of a bookmaking operation, wireroom operators, figuremen, clerks and runners as a wireroom facility where wagers on sports events and horse races are being accepted and processed, where bookmaking activity is being conducted.

12. The investigation currently being pursued and described in paragraphs 2 and 11 hereinabove has as its objects the curtailment of the illegal gambling operation being conducted over the telephone line and number above-captioned and the obtainment of evidence of the commission of violations of the Gambling Laws by all members of that operation. Such objects can be obtained only upon the arrest and conviction of the operation's supervisors and bosses, those individuals who actually organize and run it. Such prosecution in turn requires the employment of electronic eavesdropping devices.

13. Successful prosecution of all members of the gambling operation cannot result from the utilization of conventional means of investigation alone for such methods would produce the arrest of only the operation's clerks, individuals whose easy replacement would occasion merely temporary inconvenience. Rather, curtailment of the gambling operation being investigated requires the use of such conventional investigative techniques in conjunction with that of electronic eavesdropping equipment and techniques.

14. Electronic surveillance of the above-captioned telephone would provide the following information which would be unattainable using conventional means of investigation:

a. the procurement of evidence necessary for the successful prosecution of those persons.

1. The location of wirerooms in associated operations. (The odds given by a gambler on a sports event are so formulated that if an equal amount of money bet on all possible outcomes of that event, the bookmaker is assured a percentage of the total money wagered (vigorous). Thus, in the interests of achieving such a balance, the office, having the totals of all bets it has accepted will lay-off excess amounts with a lay-off room).

c. The location of figurerooms in this and associated operations.

15. Actual surveillance of the premises captioned above would, for the following reasons, not be productive, be unlikely to succeed, and even endanger successful completion of this investigation:

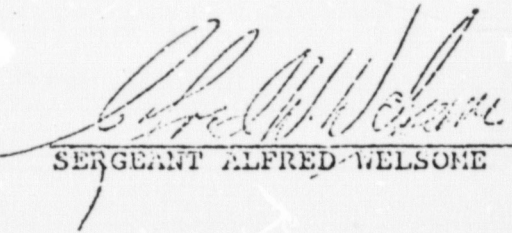
a. Evidence against the operation's bosses and supervisors, occurring as it does only within the above-captioned premises and not in public places, would not be forthcoming through surveillance and other normal investigative techniques.

b. Placement of police personnel in surveillance positions would endanger the entire investigation should their presence be discovered by members of the gambling operation, a probable result given the wariness of persons who are involved in this type of gambling activity and the caution with which they act. That such danger indeed exists is substantiated by the fact that in approximately July, 1971, immediately after the Hon. Harold Birns had signed an order authorizing the installation of an eavesdropping device in the same premises which are the subject of the instant application, the telephone line and number which were the subject of said 1971 warrant ceased to be used and the operation of the gambling enterprise being investigated in said premises terminated. On information and belief and as related to your affiant by a fellow police officer, while said police officer was installing the eavesdropping device authorized by Judge Birns, his presence and activity were noted by individuals in the subject neighborhood. As a result, no telephonic communications were intercepted or recorded pursuant to said order.

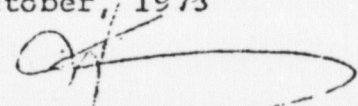
c. To provide maximum security and to work with speed and efficiency gambling operations rely on the telephone. Meetings between principals are kept to a minimum and payments and collections are accomplished by intermediaries. Thus, surveillance techniques would not produce sufficient evidence against the operation's supervisors and bosses to successfully prosecute them.

16. It is only through the use of electronic eavesdropping that information can be obtained sufficient to successfully prosecute all the members of this gambling scheme and to curtail its operation.

17. Based upon my experience in the enforcement of the gambling laws and upon the above-mentioned observations and conversations overheard through the Court authorized wiretap described hereinabove, I believe that there is reasonable and probable cause to believe that, during the hours of 10:00 AM and 9:00 PM, gambling wagers are being accepted over telephone line and number 547-6912, listed to RHONDA WHALEN, and located in the second floor of a two family house at 773 BURKE AVENUE, BRONX, NEW YORK and that evidence of the commission of crimes relating to the Gambling Laws may be obtained by intercepting conversations transmitted across said telephone line and number, 547-6912.


SERGEANT ALFRED WELSONE

Sworn to before me this 26th
day of October, 1973


JUSTICE OF THE SUPREME COURT

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
In the Matter

of

ECVESDROPPING
WARRANT

the interception of certain wire communications transmitted over telephone line and instrument number, 654-5907, listed to THOMAS WHALEN, and located in the SECOND FLOOR of a two family house at 773 BURKE AVENUE, BRONX, NEW YORK.
-----X

IT APPEARING from the affirmation of Mario Marola, District Attorney of Bronx County, dated the 12th day of November, 1973, the affirmation of Assistant District Attorney Eliot L. Kaplan, dated the 12th day of November, 1973, and the affidavit of Sergeant Alfred Welsome, New York City Police Department, duly sworn to on the 12th day of November, 1973, all related to the interception of telephonic communications being transmitted over telephone line and instrument bearing number 654-5907, listed to THOMAS WHALEN and located in the second floor of a two family house at 773 BURKE AVENUE, Bronx, New York, that there is reasonable and probable cause to believe that evidence of the crimes of Promoting Gambling, Possession of Gambling Records, and Conspiracy to commit said crimes will be obtained by intercepting telephonic communications being transmitted over the aforementioned telephone line and instrument, and the Court being satisfied that said evidence, essential to the prosecution of said crimes, cannot be obtained in any other way, and there being nothing to indicate that the conversations are otherwise legally privileged, it is

ORDERED, that the District Attorney of Bronx County or his duly authorized agents, or any police officer acting under his direction, be and is hereby authorized and empowered, between the hours of 10:00 A. M. and 9:00 P. M. to intercept and record

the telephonic communications of certain persons whose identities are presently unknown, relating to the acceptance of gambling wagers, the payment of gambling debts, the gambling odds applying to a particular sporting event and any other communication attendant to the conduct of an illegal gambling operation, and being transmitted over telephone number 654-5907, listed to THOMAS WHALEN, and located in the second floor of a two family house at 773 BURKE AVENUE, Bronx, New York, which persons, acting in the capacity of supervisors, wireroom operators, figuremen, clerks and runners, are conducting an illegal gambling operation at the above-captioned premises and over the above-captioned telephone line and number; and to cut, break, tap, and make connections with such wires leading to and from said telephone line and instrument which may be reasonable for that purpose; and to do all things necessary to permit communications over said telephone line and instrument to be intercepted for the purpose of obtaining evidence with regard to the commission of the crimes of Promoting Gambling, Possession of Gambling Records, and of Conspiracy to commit said crimes; and it is further

ORDERED, that nothing herein contained shall be construed as authorizing the District Attorney or his agents to overhear or intercept any communications which appear privileged or unrelated to the aforementioned crimes, and it is further

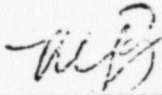
ORDERED, that the agents and employees of the New York Telephone Company are directly constrained not to divulge the contents of this order nor the existence of electronic eavesdropping over the above-captioned telephone line and instrument to any person, including but not limited to the subscribers of the above-captioned telephone instrument whether or not the said subscriber requests that the said telephone instrument be checked to determine the existence of any electronic interception of communications, and it is further

ORDERED, that this order not be terminated upon the acquisition of a particular conversation but is to continue up to and including the expiration date as herein set forth, and it is further

ORDERED, that the provisions of this order shall be in full force and effect for a period of thirteen (13) days from the effective date of this order; and that such interception may begin at any time between the hours of 10:00 A. M. and 9:00 P. M., and it is further

ORDERED, that this warrant shall be executed as soon as practicable and interceptions shall be conducted in such a way as to minimize non-authorized interceptions.

DATED: Bronx, New York
November 12th, 1973



JUSTICE OF THE SUPREME COURT

-----X
In the Matter

of

the interception of certain wire communications transmitted over telephone line and instrument number 654-5907, listed to THOMAS WHALEN and located in the second floor apartment of a two family house at 773 BURKE AVENUE, BRONX, NEW YORK.

APPLICATION
FOR
EAVESDROPPING
WARRANT

-----X
MARIO MEROLA, under the penalty of perjury and pursuant to Rule 2106 C. P. L. R., hereby affirms and says:

I am the District Attorney of Bronx County and make this application for an eavesdropping warrant authorizing the interception of certain wire communications.

I have read the annexed affirmation of Assistant District Attorney Eliot L. Kaplan and affidavit of Sergeant Alfred Welsome, New York City Police Department, which are incorporated herein and made a part of this application, and which, to your affiant's knowledge, information and belief are complete and accurate.

Based upon the facts set forth in said sworn statements, I respectfully submit to the Court that there are reasonable grounds and cause to believe that evidence of the commission of the crimes of Promoting Gambling, Possession of Gambling Records, and Conspiracy to commit said crimes may be obtained by intercepting the telephonic communications being transmitted over the telephone line and instrument number 654-5907 listed to THOMAS WHALEN, located in the second floor of a two family house at 773 BURKE AVENUE, Bronx, New York.

To my knowledge, information, and belief the conversations sought to be intercepted are not otherwise legally privileged. Based on my communications with Assistant District Attorney Eliot L. Kaplan and Sergeant Welsome, all police techniques which could be utilized have been utilized and the only way we will be able to apprehend the perpetrators of the crimes herein set forth is

through the utilization of eavesdropping. I believe the nature of the criminal activity involved is of sufficient public importance to warrant the employment of electronic interception devices.

Your deponent respectfully requests that an order authorizing the interception of telephonic communications be in effect for a period of thirteen (13) days from the date of the installation of the electronic device to telephone line and number 654-5907 and that the warrant or order not terminate upon the obtaining of a specific conversation for the reasons set forth in the annexed affirmation and affidavit.


On June 30, 1971, the Honorable Harold Birns, Justice of the Supreme Court, signed a warrant authorizing the interception of wire communications transmitted over telephone line and number 654-5821, listed to one THOMAS WHALEN and located in the second floor of a two family house at 773 BURKE AVENUE, Bronx, New York. The telephone line and number whose wire communications are sought to be intercepted by this application, to wit, 654-5907, are located in the same second floor premises at 773 BURKE AVENUE, Bronx, New York, and are listed to the same THOMAS WHALEN. Based upon Sergeant Welsome's affidavit, I understand that no wire communications were overheard or intercepted pursuant to said warrant signed by Mr. Justice Birns.

In addition, on October 26, 1973, the Honorable Joseph Sullivan, Justice of the Supreme Court, signed a warrant authorizing the interception of wire communications transmitted over telephone line and number 547-6912 listed to one RHONDA WHALEN, wife of the above-mentioned THOMAS WHALEN, and located in the same second floor premises at 773 BURKE AVENUE, Bronx, New York. Based upon Sergeant Welsome's affidavit, I understand that said warrant is currently being executed and is disclosing the evidence of criminal conduct sought by said warrant. However, interception of the conversations over said telephone line and number 547-6912 does not disclose those conversations occurring over telephone line and number 654-5907.

the interception of which is sought by the instant application. Evidence of criminal conduct occurring over telephone line and number 654-5907 can be obtained only through the installation of a wiretap device on said telephone line and number.

Other than said applications, no other application for the relief sought herein has been made to any Court, Judge, or Justice.

DATED: Bronx, New York
November 12, 1973


MARIO MEROLA, DISTRICT ATTORNEY

In the Matter

of

the interception of certain wire communications transmitted over telephone line and instrument number 654-5907, listed to THOMAS WHALEN, and located in the second floor of a two family house at 773 BURKE AVENUE, Bronx, New York.

AFFIRMATION IN
SUPPORT OF
APPLICATION FOR
EAVESDROPPING
WARRANT

ELIOT L. KAPLAN, under the penalty of perjury and pursuant to Rule 2106 C. P. L. R., hereby affirms and says:

1. I am an Assistant District Attorney in the Office of Mario Merola, District Attorney for Bronx County, assigned to the Rackets Bureau, one of the principal functions of which is the investigation and prosecution of cases involving organized criminal activity.

2. In this capacity, I am conducting an investigation into a gambling operation conducted and directed by parties whose identities are unknown through the use of the above captioned premises and telephone line and number in violation of Article 225 of the New York State Penal Law, specifically those provisions entitled Promoting Gambling, Possession of Gambling Records, and Conspiracy to commit those crimes, relating to the conduct of a bookmaking operation.

3. This affirmation is submitted in support of District Attorney Mario Merola's application for an Eavesdropping Warrant.

4. The objects of this investigation are (1) the procurement of evidence necessary for the successful prosecution of those persons (2) the location of wirerooms in associated operations (3) the locations of the figurerooms of this and associated operations.

5. Based upon the information in Sergeant Alfred Walsome's affidavit which I have read and which is attached hereto, it is my opinion that there is probable cause to believe that the above-captioned premises and telephone line and number are being utilized

by parties whose identities are presently unknown to conduct a gambling operation.

6. The objectives set forth in paragraph 4 hereinabove can only be obtained through the use of court ordered electronic surveillance. The need for electronic surveillance and the reasons why other conventional means of investigation could not succeed in achieving the goals set forth in paragraph 4 supra, are set forth in Sergeant Welsome's affidavit.

7. Wherefore, I respectfully request that an eavesdropping order, in the form annexed, be issued by this Court.

8. Said Order is limited to conversations of those persons conducting the above-mentioned gambling operation in the capacity of supervisors, wireroom operators, figuremen, clerks, and runners for the purpose of accepting bets on horse races and sports events. Said warrant is further limited to conversations pertaining to bookmaking activity including the placing and accepting of bets, recitation of the line, arrangement of meeting to pay and collect monies, and discussions of persons engaged in illegal gambling activity as they occur over the above-captioned telephone. Said conversations can be expected to occur between 10:00 A. M. and 9:00 P. M.

9. I am in possession of no information which would indicate that any of the conversations to be intercepted may be expected to come within any privilege under any applicable rule of law. The eavesdropping warrant will be executed in such a manner as to minimize the possibility of intercepting privileged or non-pertinent conversations. No conversations which appear privileged or unrelated to this investigation will be intercepted.

10. All appropriate investigating techniques will be used in conjunction with information obtained from the intercepted conversations and all leads will be followed with the purpose of insuring the success of obtaining sufficient intelligence and evidence for successful prosecution of the conspirators.

11. The conversations to be intercepted will be recorded under my supervision on tapes which will be safeguarded and kept at all times in the custody of the Bronx County District Attorney's Office, will be protected from editing or other alteration and will be used solely and appropriately in the lawful investigation and prosecution of the crimes referred to in paragraph 2 hereinabove.

12. In view of the continuing nature of the criminal activity described herein, it is further requested that should this order be granted, its authorization for interception not automatically terminate when conversations of the type described in paragraph 8 have been first obtained. It is my opinion that evidence sufficient to properly prosecute the appropriate persons committing the crimes referred to in paragraph 2 can be obtained only by the interception of several conversations. In no event, however, should said order authorize interception for more than thirteen (13) days after its effective date.

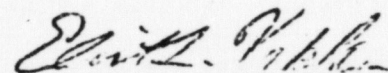
13. On June 30, 1971, the Honorable Harold Birns, Justice of the Supreme Court, signed a warrant authorizing the interception of wire communications transmitted over telephone line and number 654-5821 listed to one THOMAS WHALEN and located in the second floor of a two family house at 773 BURKE AVENUE, Bronx, New York. The telephone line and number whose wire communications are sought to be intercepted by this application, to wit, 654-5907, are located in the same second floor premises at 773 BURKE AVENUE, Bronx, New York, and are listed to the same THOMAS WHALEN. I have been informed by Sergeant Welsome that no wire communications were overheard or intercepted pursuant to said warrant signed by Mr. Justice Birns.

14. In addition, on October 26, 1973, the Honorable Joseph Sullivan, Justice of the Supreme Court, signed a warrant authorizing the interception of wire communications transmitted over telephone line and number 547-6912 listed to one RHONDA WHALEN, wife of the above-mentioned THOMAS WHALEN, and located in the same second floor premises at 773 BURKE AVENUE, Bronx, New York. Based upon Sergeant Welsome's affidavit, I understand that said warrant is currently

being executed and is disclosing the evidence of criminal conduct sought by said warrant. However, interception of the conversations over said telephone line and number 547-6912 does not disclose those conversations occurring over telephone line and number 654-5907, the interception of which is sought by the instant application. Evidence of criminal conduct occurring over telephone line and number 654-5907 can be obtained only through the installation of a wiretap device on said telephone line and number.

15. Other than said applications, no other application for the relief sought herein has been made to any Court, Judge, or Justice.

DATED: Bronx, New York
November 12, 1973



ELIOT L. KAPLAN
Assistant District Attorney

In the Matter
of

AFFIDAVIT IN
SUPPORT OF
APPLICATION FOR
EAVESDROPPING
WARRANT

the interception of certain wire communications
transmitted over telephone line and instrument
number 654-5907, listed to THOMAS WHALEN, and
located in the SECOND FLOOR of a two family
house at 773 BURKE AVENUE, BRONX, NEW YORK.

STATE OF NEW YORK }
COUNTY OF BRONX } ss.:

ALFRED WELSON, being duly sworn, deposes and says:

1. I am a Police Sergeant in the New York City Police Department, Shield #1773 currently assigned to the Public Morals Division, Central Investigation Section of the Organized Crime Control Bureau (hereinafter FMDCIS), one of the principal functions of which is to investigate large scale gambling operations. I have been a police officer for fourteen years, the last nine of which I have been assigned to similar units. In the course of my official duties, I have made and supervised over 1000 arrests for violations of the New York State Gambling Laws, in connection with which, I have been accepted as, and testified as, an expert witness in Grand Juries, Criminal Courts and Supreme Courts of all five New York Counties. In addition, I have been consulted as an expert on gambling matters by the District Attorney Offices of Nassau and Westchester Counties as well as by agents of the Federal Bureau of Investigation and the Internal Revenue Service. I presently supervise a team of police officers specializing in bookmaking investigations. Pursuant to court order, I have had occasion, as have all of my team members, to listen to, record, analyze and make use of the daily routine business conversations of bookmakers and wireroom operators using their specialized jargon of the trade.

2. I am currently investigating an organized book-making operation which is based in Bronx County and which employs the above-captioned premises as a gambling wireroom.

3. This affidavit is submitted in support of District Attorney Mario Merola's application for an eavesdropping warrant.

The Prototype Gambling Operation.

4. A wireroom is the nerve-center of a gambling operation. Generally located in an apartment or empty store or a small office, it is manned by clerks who accept and process wagers on sports events and horse races. The clerks in the office are in communication with other wirerooms to "lay off" excess bets they have accepted and to check the "line" (the odds on the various contests). At night the "work" (written records of bets) is taken from the wireroom to a "figureroom" where the "figuremen" total the amounts of money won and lost by each player and runner (the man responsible for a group of players). The figures are then returned to the wireroom to be disseminated the following day.

5. Background of this Investigation.

On September 26, 1973, upon an application by Alfred J. Scotti, Acting District Attorney of New York County, a wiretap order was signed by the Honorable Burton B. Roberts, Justice of the Supreme Court, authorizing the interception of wire communications over telephone line and number 744-2218 listed to and located in apartment 2B in the premises of 324 East 84th Street, County, City and State of New York. Pursuant to Justice Robert's order, electronic eavesdropping equipment was installed on said telephone line and numbers and telephone communications were intercepted and recorded. Said order was renewed twice, on October 12, 1973, and on November 5, 1973.

6. During the course of said interceptions, numerous outgoing calls were made from the above-mentioned New York County telephones to telephone number 654-5907, the telephone line and number which are the subject of the instant application. On October 27, 1973, at approximately 5:35 P.M., the following telephone call from 744-2218 into 654-5907 was intercepted and recorded:

MALE VOICE: Hello

OSCAR: Yes. Oscar calling

MALE VOICE: I didn't get it yet, Oscar. I just got in

OSCAR: Well, how about the football

MALE VOICE: Oh, the football you got, L.S.U. 12

OSCAR: L.S.U. 12

MALE VOICE: Tulane 7 1/2

OSCAR: Tulane 7 1/2.. Sunday foots.

MALE VOICE: Ah. 4 1/2-14-15

OSCAR: 4 1/2-14-15

MALE VOICE: 2-10 1/2-3 1/2

OSCAR: 2-10 1/2- 3 1/2

MALE VOICE: 15- 11 1/2 - 2 1/2

OSCAR: 11 1/2- 2 1/2

MALE VOICE: 7 1/2-9-3

OSCAR: 7 1/2-9-3

MALE VOICE: Ah.. 6 1/2 Monday

OSCAR: Monday 6 1/2

MALE VOICE: Right

OSCAR: Give me Buffalo plus th....

MALE VOICE: This is for Monday

OSCAR: For Monday, Buffalo

MALE VOICE: Buffalo

OSCAR: Buffalo plus the 6 1/2

MALE VOICE: Plus the 6 1/2

OSCAR: Do you want 20 dollars

MALE VOICE: For 20 dollars

OSCAR: O.K.

MALE VOICE: C.K.

OSCAR: That's it

7. On October 27, 1973, at approximately 5:49 P.M., the following telephone call from 744-2218 into 654-5907 was intercepted and recorded:

MALE VOICE: Hello
OSCAR: Yeah - Oscar
MALE VOICE: Yeah
OSCAR: The basketball line please
MALE VOICE: Same. Didn't I give it to you
OSCAR: No, you never gave it to me
MALE VOICE: Oh! I'm sorry.. ah.. Knicks 11
OSCAR: Knicks 11
MALE VOICE: Chicago 3
OSCAR: Chicago 3
MALE VOICE: Milwaukee 9 1/2
OSCAR: 9 1/2
MALE VOICE: Detroit 3
OSCAR: 3
MALE VOICE: Golden State 6
OSCAR: 6
MALE VOICE: That't it
OSCAR: Give me, oh on this call give me Phil
MALE VOICE: 76'ers plus 11
OSCAR: Plus 11 and Houston
MALE VOICE: Houston
OSCAR: Plus the 3
MALE VOICE: Plus 3
OSCAR: 15 dollars on each
MALE VOICE: 15 each
OSCAR: That's it
MALE VOICE: O.K.
OSCAR: Right

8. On November 7, 1973, at approximately 6:30 P.M., the following telephone call from 744-2218 into 654-5907 was intercepted and recorded:

MALE VOICE: Hello
OSCAR: Yes, Oscar calling
MALE VOICE: Hang on just a second please yeah Oscar
OSCAR: Hello
MALE VOICE: Yeah
OSCAR: Yeah, on the hockey
MALE VOICE: Go ahead
OSCAR: Rangers plus the even
MALE VOICE: Rangers even, yeah
OSCAR: 5 to 5.. let me have Toronto
MALE VOICE: Toronto
OSCAR: Plus even
MALE VOICE: Even
OSCAR: 5 to 5
MALE VOICE: Right
OSCAR: Let me have Pittsburg..the 1 1/2
MALE VOICE: Pittsburg the 1 1/2
OSCAR: You couldn't take a dime there, huh
MALE VOICE: Nope
OSCAR: Alright 5 to 5
MALE VOICE: For a nickel
OSCAR: Right O.K.
MALE VOICE: You got three pieces, Rangers, Toronto, Pittsburg,
5 dollars each
OSCAR: Right
MALE VOICE: So long

9. November 7, 1973, at approximately 5:26 P.M., the following telephone call from 744-2218 into 654-5907 was intercepted and recorded:

MALE VOICE: Hello

OSCAR: Guess who? .. Oscar

MALE VOICE: Alright, yeah

OSCAR: Wanna help me out with ah... I'll take everything you got, football too, you know, in case you get changes.

MALE VOICE: Right, O.K.

OSCAR: Start with Syracuse

MALE VOICE: Syracuse 2

OSCAR: Syracuse, yeah. Is what?

MALE VOICE: 2

OSCAR: 2. Go ahead

MALE VOICE: Skip. Penn. one

OSCAR: Penn, one

MALE VOICE: Indiana one.

OSCAR: One

MALE VOICE: Penn. State 18

OSCAR: 18.

MALE VOICE: Harvard 17

OSCAR: 17

MALE VOICE: Virginia Tech 2

OSCAR: 2

MALE VOICE: Skip. 2, Duke 13 1/2

OSCAR: 13 1/2

MALE VOICE: Miami 17

OSCAR: 17

MALE VOICE: Skip one. Cornell 10 1/2

OSCAR: Cornell is 10 1/2

MALE VOICE: Skip one. Maryland 19

OSCAR: 19

MALE VOICE: North Carolina 6 1/2

OSCAR: 6 1/2

MALE VOICE: Minnesota 1
OSCAR: 1
MALE VOICE: Wisconsin 15
OSCAR: Wisconsin 15
MALE VOICE: Georgia 3
OSCAR: 3
MALE VOICE: Skip one.. Kansas 1
OSCAR: 1
MALE VOICE: Nebraska 15
OSCAR: 15
MALE VOICE: Skip one, Texas A&M, pick
OSCAR: Pick
MALE VOICE: Oklahoma State 15
OSCAR: 15
MALE VOICE: Oklahoma 13 1/2
OSCAR: 13 1/2
MALE VOICE: Skip two, Arkansas 6 1/2
OSCAR: 6 1/2
MALE VOICE: Texas Tech 13
OSCAR: 13
MALE VOICE: Skip.. Washington State 7
OSCAR: 7
MALE VOICE: UCLA 15
OSCAR: 15
MALE VOICE: Tulane 12
OSCAR: 12
MALE VOICE: On the pros... Dallas 10 1/2
OSCAR: 10 1/2
MALE VOICE: Jets 6 1/2
OSCAR: 6 1/2
MALE VOICE: Washington 7 1/2
OSCAR: 7 1/2
MALE VOICE: Skip... Miami 19
OSCAR: Ya take Cincinnati off.
MALE VOICE: Right

OSCAR: I mean recent

MALE VOICE: I haven't the slightest idea 57

OSCAR: 19. go ahead

MALE VOICE: Ah... Atlanta 4 1/2

OSCAR: 4 1/2

MALE VOICE: Miami 9

OSCAR: 9

MALE VOICE: Green Bay 1

OSCAR: 1

MALE VOICE: Cleveland 9

OSCAR: 9

MALE VOICE: Oakland 6 1/2

OSCAR: Oakland 6 1/2

MALE VOICE: Denver 10 1/2

OSCAR: 10 1/2

MALE VOICE: L.A. 14

OSCAR: 14

MALE VOICE: K.C. 4 1/2

OSCAR: 4 1/2.. and tonight

MALE VOICE: Now tonight.. Phoenix 2

OSCAR: Phoenix 2

MALE VOICE: Houston is 3

OSCAR: Houston is 3

MALE VOICE: Seattle 3

OSCAR: Sea.....

MALE VOICE: Excuse me just for a minute, hang on... ah.. Hockey

OSCAR: Wait a minute give me Phoenix 2--- Houston 3

MALE VOICE: Seattle 3

OSCAR: And nothing on Milwaukee

MALE VOICE: Nothing on ah.. L.A. no

OSCAR: Yeah Hockey

MALE VOICE: Montreal even 1/2

OSCAR: Montreal is even a 1/2

MALE VOICE: Boston is even a 1/2

OSCAR: Boston is even a 1/2

MALE VOICE: Pittsburg one.. one and 1/2

OSCAR: Pittsburgh what's that playing?
MALE VOICE: Ah Islanders
OSCAR: Pittsburgh
MALE VOICE: Ah, sorry rah one.. one and a half, yeah Pittsburgh
OSCAR: Pittsburgh is one.. one and a half playing Islanders
MALE VOICE: Right
OSCAR: Yeah
MALE VOICE: Philadelphia one... one and a 1/2
OSCAR: One.. 1/2
MALE VOICE: Chicago 1. 1 1/2
OSCAR: One, one 1/2
MALE VOICE: Minnesota one.. one 1/2
OSCAR: 1... 1 1/2
MALE VOICE: Atlanta 1 .. 1 1/2
OSCAR: 1... 1 1/2 hold on
MALE VOICE: Right
OSCAR: Give me Phoenix on this call.
MALE VOICE: Suns minus the 2
OSCAR: For 15 dollars.
MALE VOICE: For 15 dollars.
OSCAR: Houston in Basketball minus the 3
MALE VOICE: Houston minus 3
OSCAR: For 15 dollars
MALE VOICE: 15 dollars.
OSCAR: That's all.
MALE VOICE: Two pieces
OSCAR: Right.
MALE VOICE: So long...

10. "Oscar" was the name of the party who used the above-mentioned telephone line and number 744-2218 located in New York County. The parties conversing on the above-captioned telephone, 654-5907 are presently unknown. Although it is not known whether THOMAS WHALEN, to whom telephone line and number 654-5907 are listed, is one of the male voices in the above conversations, it is noted that said THOMAS WHALEN has a criminal record reflecting a criminal conviction arising out of an arrest on July 8, 1969, for gambling offenses and an additional arrest for gambling felonies, occurring on August 20, 1971, the disposition of which is presently unknown to your affiant.

11. An analysis of the above conversations indicates that the telephone line and instrument 654-5907 listed to THOMAS WHALEN and its listed premises in the second floor of a two family house at 773 BURKE AVENUE, Bronx, New York, are being used by supervisors of a bookmaking operation, wireroom operators, figure-men, clerks and runners as a wireroom facility where wagers on sports events and horse races are being accepted and processed, where bookmaking activity is being conducted.

12. Currently, a Court-ordered wiretap, authorized by the Honorable Joseph Sullivan, Justice of the Supreme Court, on October 26, 1973, is being executed by members of my investigating team on telephone line and number 547-6912, listed to one RHONDA WHALEN, wife of the above-mentioned THOMAS WHALEN, and located in the same second floor premises at 773 BURKE AVENUE, Bronx, New York. The interception of conversations over said telephone line and number 547-6912 is disclosing that said premises are in fact being used to run and facilitate an illegal gambling operation and is producing the evidence of criminal conduct sought by said warrant. However, interception of the conversations over said telephone line and number 547-6912 does not disclose those conversations occurring over telephone line and number 654-5907, the interception of which is sought by the instant application. Evidence of criminal conduct occurring over telephone line and number 654-5907 can be obtained only through the installation of a wiretap device on said telephone line and number.

13. The investigation currently being pursued and described in paragraphs 2¹¹ and 12 hereinabove has as its objects the curtailment of the illegal gambling operation being conducted over the telephone line and number 654-5907 above-captioned and the obtainment of evidence of the commission of violations of the Gambling Laws by all members of that operation. Such objects can be obtained only upon the arrest and conviction of the operation's supervisors and bosses, those individuals who actually organize and run it. Such prosecution in turn requires the employment of electronic eavesdropping devices.

14. Successful prosecution of all members of the gambling operation cannot result from the utilization of conventional means of investigation alone for such methods would produce the arrest of only the operations' clerks, individuals whose easy replacement would occasion merely temporary inconvenience. Rather, curtailment of the gambling operation being investigated requires the use of such conventional investigative techniques in conjunction with that of electronic eavesdropping equipment and techniques.

15. Electronic surveillance of the above-captioned telephone would provide the following information which would be unattainable using conventional means of investigation:

- a. the procurement of evidence necessary for the successful prosecution of those persons.
- b. The location of wirerooms in associated operation. (The odds given by a gambler on a sports event are so formulated that if an equal amount of money is bet on all possible outcomes of that event, the bookmaker is insured a percentage of the total money wagered (vigorish). Thus, in the interests of achieving such a balance, the office, having the totals of all bets it has accepted will lay-off excess amounts with a lay-off room).
- c. The location of figurerooms in this and associated operations.

16. Actual surveillance of the premises captioned above would, for the following reasons, not be productive, be unlikely to succeed, and even endanger successful completion of this investigation:

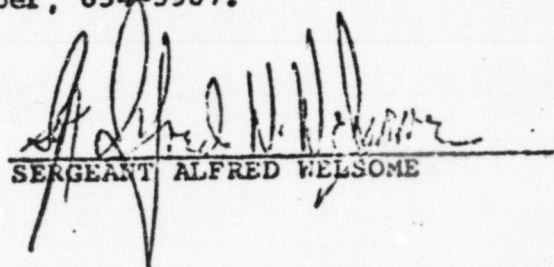
- a. Evidence against the operation's bosses and supervisors, occurring as it does only within the above-captioned premises and not in public places, would not be forthcoming through surveillance and other normal investigative techniques.
- b. Placement of police personnel in surveillance positions would endanger the entire investigation should their presence be discovered by members of the gambling operation, a probable result given the wariness of persons who are involved in this type of gambling activity and the caution with which they act. That such danger indeed exists is substantiated by the fact that in approximately July, 1971, immediately after the Honorable Harold Birns had signed an order authorizing the installation of an eavesdropping device in the same premises which are the subject of the instant application, the telephone line and number which were the subject of said 1971 warrant ceased to be used and the

operation of the gambling enterprise being investigated in said premises terminated. On information and belief and as related to your affiant by a fellow police officer, while said police officer was installing the eavesdropping device authorized by Judge Birns, his presence and activity were noted by individuals in the subject neighborhood. As a result, no telephonic communications were intercepted or recorded pursuant to said order.

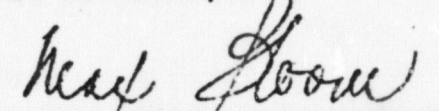
c...To provide maximum security and to work with speed and efficiency gambling operations rely on the telephone. Meetings between principals are kept to a minimum and payments and collections are accomplished by intermediaries. Thus, surveillance techniques would not produce sufficient evidence against the operation's supervisors and bosses to successfully prosecute them.

17. It is only through the use of electronic eavesdropping that information can be obtained sufficient to successfully prosecute all the members of this gambling scheme and to curtail its operation.

18. Based upon my experience in the enforcement of the gambling laws and upon the above-mentioned observations and conversations overheard through the Court authorized wiretap described hereinabove, I believe that there is reasonable and probable cause to believe that, during the hours of 10:00 A. M. and 9:00 P. M., gambling wagers are being accepted over telephone line and number 654-5907, listed to THOMAS WHALEN, and located in the second floor of a two family house at 773 BURKE AVENUE, Bronx, New York and that evidence of the commission of crimes relating to the Gambling Laws may be obtained by intercepting conversations transmitted across said telephone line and number, 654-5907.


SERGEANT ALFRED WELSONE

Sworn to before me this 12th
day of November, 1973


JUSTICE OF THE SUPREME COURT

In the Matter
of

the interception of certain wire communications transmitted over telephone line and instrument number 823-2318, listed to DOMINICK SALAMONE and located in a private house at 1104 KEILL AVENUE, BRONX, NEW YORK.

-----X
EAVESDROPPING
WARRANT
-----X

IT APPEARING from the affirmation of Mario Merola, District Attorney of Bronx County, dated the 28th day of November, 1973, the affirmation of Assistant District Attorney Eliot L. Kaplan, dated the 28th day of November, 1973, and the affidavit of Sergeant Alfred Welsome, New York City Police Department, duly sworn to on the 28th day of November, 1973, all related to the interception of telephonic communications being transmitted over telephone line and instrument bearing number 823-2318, listed to DOMINICK SALAMONE and located in a private house at 1104 KEILL AVENUE, BRONX, NEW YORK, that there is reasonable and probable cause to believe that evidence of the crimes of Promoting Gambling, Possession of Gambling Records, and Conspiracy to commit said crimes will be obtained by intercepting telephonic communications being transmitted over the aforementioned telephone line and instrument, and the Court being satisfied that said evidence, essential to the prosecution of said crimes, cannot be obtained in any other way, and there being nothing to indicate that the conversations are otherwise legally privileged, it is

ORDERED, that the District Attorney of Bronx County or his duly authorized agents, or any police officer acting under his direction, be and is hereby authorized and empowered, between the hours of 10:00 A.M. and 9:00 P.M., to intercept and record the telephonic communications of certain persons whose identities are presently unknown, relating to the acceptance of gambling wagers.

the payment of gambling debts, the gambling odds applying to a particular sporting event and any other communication attendant to the conduct of an illegal gambling operation, and being transmitted over telephone number 823-2318, listed to DOMINICK SALAMONE, and located in a private house at 1104 Neill Avenue, Bronx, New York, which persons, acting in the capacity of supervisors wireroom operators, figuremen, clerks and runners, are conducting an illegal gambling operation at the above-captioned premises and over the above-captioned telephone line and number; and to cut, break, tap, and make connections with such wires leading to and from said telephone line and instrument which may be reasonable for that purpose; and to do all things necessary to permit communications over said telephone line and instrument to be intercepted for the purpose of obtaining evidence with regard to the commission of the crimes of Promoting Gambling, Possession of Gambling Records and of Conspiracy to commit said crimes; and it is further

ORDERED, that nothing herein contained shall be construed as authorizing the District Attorney or his agents to overhear or intercept any communications which appear privileged or unrelated to the aforementioned crimes, and it is further

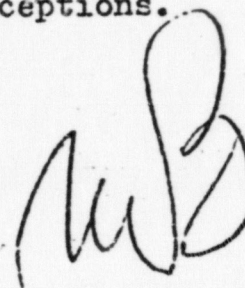
ORDERED, that the agents and employees of the New York Telephone Company are directly constrained not to divulge the contents of this order nor the existence of electronic eavesdropping over the above-captioned telephone line and instrument to any person, including but not limited to the subscribers of the above-captioned telephone instrument whether or not the said subscriber requests that the said telephone instrument be checked to determine the existence of any electronic interception of communications, and it is further

ORDERED, that this order not be terminated upon the acquisition of a particular conversation but is to continue up to and including the expiration date as herein set forth, and it is further

ORDERED, that the provisions of this order shall be in full force and effect for a period of twenty (20) days from the effective date of this order; and that such interception may begin at any time between the hours of 10:00 A.M. and 9:00 P.M., and it is further

ORDERED, that this warrant shall be executed as soon as practicable and interceptions shall be conducted in such a way as to minimize non-authorized interceptions.

DATED: Bronx, New York
November 28, 1973.



JUSTICE OF THE SUPREME COURT

-----X
In the Matter
of

APPLICATION
FOR
EAVESDROPPING
WARRANT

the interception of certain wire communications transmitted over telephone line and instrument number 823-2318, listed to DOMINICK SALAMONE, and located in a private house at 1104 NEILL AVENUE, BRONX, NEW YORK.
-----X

MARIO MEROLA, under penalty of perjury and pursuant to Rule 2106 C.P.L.R., affirms and says:

I am the District Attorney of Bronx County and make this application for an eavesdropping warrant authorizing the interception of certain wire communications.

I have read the annexed affirmation of Assistant District Attorney Eliot L. Kaplan and affidavit of Sergeant Alfred Welsome, New York City Police Department, which are incorporated herein and made a part of this application, and which, to your affiant's knowledge, information and belief are complete and accurate.

Based upon the facts set forth in said sworn statements, I respectfully submit to the Court that there are reasonable grounds and cause to believe that evidence of the commission of the crimes of Promoting Gambling, Possession of Gambling Records, and Conspiracy to commit said crimes may be obtained by intercepting the telephonic communications being transmitted over the telephone line and instrument number 823-2318 listed to DOMINICK SALAMONE, located in a private house at 1104 NEILL AVENUE, BRONX, NEW YORK.

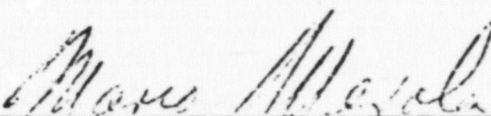
To my knowledge, information, and belief the conversations sought to be intercepted are not otherwise legally privileged. Based on my communications with Assistant District Attorney Kaplan and Sergeant Welsome, all police techniques which could be utilized have been utilized and the only way we will be

able to apprehend the perpetrators of the crimes herein set forth is through the utilization of eavesdropping. I believe the nature of the criminal activity involved is of sufficient public importance to warrant the employment of electronic interception devices.

Your deponent respectfully requests that an order authorizing the interception of telephonic communications be in effect for a period of twenty (20) days from the date of the installation of the electronic device to telephone line and number 823-2318 and that the warrant or order not terminate upon the obtaining of a specific conversation for the reasons set forth in the annexed affirmation and affidavit.

No other application for the relief sought herein has been made to any Court, Judge, or Justice.

DATED: Bronx, New York
November 28, 1973.



MARIO MEROLA, DISTRICT ATTORNEY

-----X
In the Matter
of

the interception of certain wire communications transmitted over telephone line and instrument number 823-2318, listed to DOMINICK SALAMONE located in a private house at 1104 NEILL AVENUE, BRONX, NEW YORK.

AFFIRMATION
IN SUPPORT OF
APPLICATION
FOR EAVES-
DROPPING
WARRANT

-----X
ELIOT L. KAPLAN, under the penalty of perjury and pursuant to Rule 2106 C. P. L. R., affirms and says:

1. I am an Assistant District Attorney in the Office of Mario Merola, District Attorney for Bronx County, assigned to the Rackets Bureau, one of the principal functions of which is the investigation and prosecution of cases involving organized criminal activity.
2. In this capacity, I am conducting an investigation into a gambling operation conducted and directed by parties whose identities are unknown through the use of the above-captioned premises and telephone line and number in violation of Article 225 of the New York State Penal Law, specifically those provisions entitled Promoting Gambling, Possession of Gambling Records, and Conspiracy to commit those crimes, relating to the conduct of a bookmaking operation.
3. This affirmation is submitted in support of District Attorney Mario Merola's application for an Eavesdropping Warrant.
4. The objects of this investigation are (1) the procurement of evidence necessary for the successful prosecution of those persons (2) the location of wirerooms in associated operations (3) the locations of the figurerooms of this and associated operations.
5. Based upon the information in Sergeant Alfred Welsome's affidavit which I have read and which is attached hereto it is my opinion that there is probable cause to believe that the above-captioned premises and telephone line and number are being utilized by parties whose identities are presently unknown to

conduct a gambling operation.

6. The objective set forth in paragraph 4 hereinabove can only be obtained through the use of court ordered electronic surveillance. The need for electronic surveillance and the reasons why other conventional means of investigation could not succeed in achieving the goals set forth in paragraph 4 supra, are set forth in Sergeant Welsome's affidavit.

7. Wherefore, I respectfully request that an eavesdropping order, in the form annexed, be issued by this Court.

8. Said Order is limited to conversations of those persons conducting the above-mentioned gambling operation in the capacity of supervisors; wireroom operators, figuremen, clerks, and runners for the purpose of accepting bets on horse races and sports events. Said warrant is further limited to conversations pertaining to bookmaking activity including the placing and accepting of bets, recitation of the line, arrangement of meeting to pay and collect monies, and discussions of persons engaged in illegal gambling activity as they occur over the above-captioned telephone. Said conversations can be expected to occur between 10:00 A.M. and 9:00 P.M.

9. I am in possession of no information which would indicate that any of the conversations to be intercepted may be expected to come within any privilege under any applicable rule of law. The eavesdropping Warrant will be executed in such a manner as to minimize the possibility of intercepting privileged or non-pertinent conversations. No conversations which appear privileged or unrelated to this investigation will be intercepted.

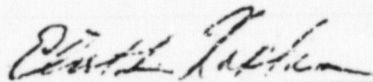
10. All appropriate investigating techniques will be used in conjunction with information obtained from the intercepted conversations and all leads will be followed with the purpose of insuring the success of obtaining sufficient intelligence and evidence for successful prosecution of the conspirators.

11. The conversations to be intercepted will be recorded under my supervision on tapes which will be safeguarded and kept at all times in the custody of the Bronx District Attorney's Office, will be protected from editing or other alteration and will be used solely and appropriately in the lawful investigation and prosecution of the crimes referred to in paragraph 2 hereinabove.

12. In view of the continuing nature of the criminal activity described herein, it is further requested that should this order be granted, its authorization for interception not automatically terminate when conversations of the type described in paragraph 8 have been first obtained. It is my opinion that evidence sufficient to properly prosecute the appropriate persons committing the crimes referred to in paragraph 2 can be obtained only by the interception of several conversations. In no event, however, should said order authorize interception for more than twenty (20) days after its effective date.

13. No other application for the relief sought herein has been made to any Court, Judge or Justice.

DATED: Bronx, New York
November 28, 1973



ELIOT L. KAPLAN
Assistant District Attorney

-----x
In the Matter
of

the interception of certain wire communications
transmitted over telephone line and instrument
number 823-2318, listed to DOMINICK SALAMONE, and
located in a private house at 1104 NEILL AVENUE,
BRONX, NEW YORK.

AFFIDAVIT IN
SUPPORT OF
APPLICATION FOR
EAVESDROPPING
WARRANT
-----x

STATE OF NEW YORK }
 } ss.:
COUNTY OF BRONX }

ALFRED WELSONE, being duly sworn, deposes and says:

1. I am a Police Sergeant in the New York City Police Department, Shield #1773 currently assigned to the Public Morals Division, Central Investigation Section of the Organized Crime Control Bureau (hereinafter PMDCIS), one of the principal functions of which is to investigate large scale gambling operations. I have been a police officer for fourteen years, the last nine of which I have been assigned to similar units. In the course of my official duties, I have made and supervised over 400 arrests for violations of the New York State Gambling Laws, in connection with which, I have been accepted as, and testified as, an expert witness in Grand Juries, Criminal Courts and Supreme Courts of all five New York Counties. In addition, I have been consulted as an expert on gambling matters by the District Attorney Offices of Nassau and Westchester Counties as well as by agents of the Federal Bureau of Investigation and the Internal Revenue Service. I presently supervise a team of police officers specializing in bookmaking investigation. Pursuant to court order I have had occasion, as have all of my team members, to listen to record, analyze and make use of the daily routine business conversations of bookmakers and wireroom operators using their specialized jargon of the trade.

2. I am currently investigating an organized bookmaking operation which is based in Bronx County and which employs the above-captioned premises as a gambling wireroom.

3. This affidavit is submitted in support of District Attorney Mario Merola's application for an eavesdropping warrant.

The Prototype Gambling Operation.

4. A wireroom is the nerve-center of a gambling operation. Generally located in an apartment or empty store or a small office, it is manned by clerks who accept and process wagers on sports events and horse races. The clerks in the office are in communication with other wirerooms to "lay off" excess bets they have accepted and to check the "line" (the odds on the various contests). At night the "work" (written records of bets) is taken from the wireroom to a "figureroom" where the "figuremen" total the amounts of money won and lost by each player and runner (the man responsible for a group of players). The figures are then returned to the wireroom to be disseminated the following day.

5. On October 26, 1973, upon an application by Mario Merola, District Attorney of Bronx County, a wiretap order was signed by the Honorable Joseph Sullivan, Justice of the Supreme Court, authorizing the interception of wire communications over telephone line and number 547-6912, listed to REYONDA WHALEN, and located on the second floor of a two family house at 773 Burke Avenue, Bronx, New York. Pursuant to Justice Sullivan's order, electronic eavesdropping equipment was installed on said telephone line and number 547-6912 and telephone communications were intercepted and recorded.

6. During the course of said interceptions, numerous outgoing calls were made from the above-mentioned telephone line and number 547-6912 to telephone number 823-2318, the telephone line and number which are the subject of the instant application. On November 4, 1973, at approximately 3:29 P.M., the following telephone call from 547-6912 into 823-2318 was intercepted and recorded:

MALE VOICE: Hello.

73

TOMMY: Yeah, Dom.

MALE VOICE(DCM): Yeah.

TOMMY: Yeah, for Mace.

DOM: Yeah.

TOMMY: The Giants plus 10.

DOM: Yeah.

TOMMY: Twenty times.

DCM: Forty?

TOMMY: Twenty.

DOM: Yeah.

TOMMY: Forty-Niners plus two.

DOM: That's Frisco.

TOMMY: Ten times.

DCM: Right.

TOMMY: K.C. minus three and a half, ten times.

DOM: Yeah.

TOMMY: OK?

DOM: That's tonight.

TOMMY: Right.

DCM: Anything else?

TOMMY: That's it so far.

DCM: How does it look for you?

TOMMY: Alright, I know there's one score. If it holds up, it's very good.

DOM: Which one?

TOMMY: New Orleans.

DOM: You got New Orleans winning and the other score is pretty good ... beating Philadelphia.

TOMMY: Yeah, I know.

DOM: So.

TOMMY: Ah, let's hope so.

DOM: Ah, what the hell we gotta find out for. Who knows.

TOMMY: Yeah, that's what's. That's what always happens. we still have to wind up at the end, right?

DOM: Yeah.

TOMMY: OK.

DOM: So long.

7. On November 5, 1973, at approximately 7:56 P.M. the following telephone call from 547-6912 into 823-2318 was intercepted and recorded:

DOM: Hello.

TOMMY: Right.

DOM: Yeah.

TOMMY: You got Washington.

DOM: I got room for Pittsburg.

TOMMY: I don't know, no, you got plenty of Pittsburg here. Washington plus 1 400 times.

DOM: Yeah.

TOMMY: That's Rex - Hang on a minute (other phone ringing)

C.I.B. Male Tommy accepted a 4 dollar (400) wager on other telephone.

TOMMY: Yeah.

DOM: Hello.

TOMMY: Now, you got that for Rex.

DOM: Yeah.

TOMMY: Now, Washington -- pick-em.

DOM: Yeah.

TOMMY: Let's see how much this comes out to. He just called me now, that was him.

DOM: Who?

TOMMY: Bill Washington -----Washington pick-em.

DOM: Yeah.

TOMMY: For "Hun" 20-40-60-80 one hundred eighty times.

DOM: Yeah.

TOMMY: That's for Bill.

DOM: Bill.

TOMMY: Yeah -- put this on his ticket too; Pittsburg plus one.

DOM: Yeah.

TOMMY: One hundred times.

DOM: Yeah.

TOMMY: Hundred times, now, this another ticket, Pittsburg - pick-em, 300 times.

DOM: Yeah.

TOMMY: That's "Fox J".

DOM: He came to you because I gave him one, you know.

TOMMY: This fucking game got me spendin, now you got Pittsburg plus one. (Other telephone ringing). Hang on a minute (C.I.B. Hello, Hello). You got Pittsburg plus one.

DOM: Yeah.

TOMMY: Four hundred times.

DOM: Who's that?

TOMMY: Fox S".

DOM: Yeah.

TOMMY: That's it. Now this is for Frankie.

DOM: Yeah.

TOMMY: Yonkers two & two -- six dollar double.

DOM: Yeah.

TOMMY: Six & two -- ten dollar double.

DOM: Yeah.

TOMMY: In the first "Jessie Lobel" and "Painter's Son" a two dollar double.

DOM: Go ahead.

TOMMY: And that's-that.

DOM: That's all.

TOMMY: Right.

DOM: So long.

8. On November 20, 1973, at approximately 12:47 P.M., the following telephone call from 547-6912 into 823-2318 was intercepted and recorded:

DOM: Hello.

TOMMY: Yeah Dom.

DOM: Yeah.

TOMMY: This is for Frankie.

DOM: Yeah.

TOMMY: First at New York, Aquarium Bobby or Baby.

DOM: Yeah. Aquarium Baby.

TOMMY: Right, something like that.

DOM: Yeah. I can't find it. Oh, I see it. Ibila something.

TOMMY: Right.

DOM: (Inaudible)

TOMMY: In the second, Randy Way.

DOM: Second, New York, Randy Way.

TOMMY: Ten Dollar Double.

DOM: Right.

TOMMY: Now, for Charlie. That's for Frankie.

DOM: Frankie. Maybe I's give you the horses?

TOMMY: (Inaudible) See.

DOM: Who's that bet two horses. That oh I just was wondering.

TOMMY: Simon.

DOM: Fifth at oh New York?

TOMMY: Nope.

DOM: Oh, maybe he's got different ones then. Go ahead.

TOMMY: Seventh at New York, Smoked Salmon.

DOM: Oh, that's my favorite. Salmon.

TOMMY: A hundred win.

DOM: Hundred win.

TOMMY: Same rare.

DOM: Yeah.

TOMMY: Sweeter or Suiter.

DOM: Suiter.

TOMMY: Fifty win.

DOM: Fifty win.

TOMMY: Fifth at Atlantic.

DOM: Fifth at Atlantic.

TOMMY: Stephen Doolin.
DOM: Yeah, who's that got that one.
TOMMY: Yeah, he's got that one. A hundred win.
DOM: Yeah, a hundred win.
TOMMY: Ninth at Atlantic.
DOM: Ninth at Atlantic.
TOMMY: Deacon John.
DOM: Right.
TOMMY: A hundred win.
DOM: Right.
TOMMY: That's three hundred fifty for him.
DOM: Right.
TOMMY: O.K.
DOM: O.K.

9. On November 20, 1973, at approximately 8:03 P.M.
the following telephone call from 547-6912 into 823-2318 was
intercepted and recorded:

MALE VOICE: Hello.
TOMMY: Yeah.
MALE VOICE: O.K.
TOMMY: Right. This is Fox S for Thursday.
MALE VOICE: They don't come in with Washington, huh?
That's Thursday. Go ahead.
TOMMY: I don't think he bowled yet.
MALE VOICE: Alright.
TOMMY: Yeah, he's got Dolphins, plus two.
MALE VOICE: Dolphins. Who's that, Dallas?
TOMMY: Miami.
MALE VOICE: Miami.
TOMMY: Two hundred times.
MALE VOICE: Plus two, two hundred times. I can't understand how
that makes Miami an underdog.
TOMMY: Yeah, that's cause somebody else is out.
MALE VOICE: Yeah.
TOMMY: Not cause somebody's out. Maybe cause they clinched.
That's the only thing I can figure it out.

MALE VOICE: This is for Fox S.
TOMMY: Yeah, that's Fox S.
MALE VOICE: That;s all he's got.
TOMMY: Right. Now, this is oh Saturday.
MALE VOICE: Yeah.
TOMMY: Oh, Michigan, plus four. This is, this is for Bill.
MALE VOICE: Michigan.
TOMMY: Plus four.
MALE VOICE: Plus four.
TOMMY: What the hell was twelve dollars. Two hundred and forty times, right.
MALE VOICE: Huh.
TOMMY: Two hundred forty times.
MALE VOICE: Two-forty.
TOMMY: Now that was for Saturday?
MALE VOICE: Yeah.
TOMMY: Now, this is for this Saturday.
MALE VOICE: Yeah.
TOMMY: Now, North Carolina, minus three.
MALE VOICE: Minus three.
TOMMY: For eight dollars.
MALE VOICE: A hundred sixty times.
TOMMY: A hundred Sixty times.
MALE VOICE: Right.
TOMMY: Florida, minus two.
MALE VOICE: Yeah.
TOMMY: That's for a hundred, two hundred forty times.
MALE VOICE: Two-forty.
TOMMY: That's Bill. Oh, now I got another one. Hang on. There's another one for Saturday.
MALE VOICE: Yeah.
TOMMY: Harvard, plus three.
MALE VOICE: Yeah.
TOMMY: Three hundred times. That's all for Bill.

MALE VOICE: I thought the other side was the hot side.
TOMMY: Which one?
MALE VOICE: Ah. Whoever Harvard is playing.
TOMMY: Yale.
MALE VOICE: Yale.
TOMMY: Oh, who the hell knows.
MALE VOICE: OK. That's for Bill.
TOMMY: That's for Bill. Now this is ah it doesn't matter.
This is for tonite. Buffalo, minus four.
MALE VOICE: Yeah.
TOMMY: Portland, plus 8 and a-half.
MALE VOICE: Yeah.
TOMMY: Twenty-times if 20 times in reverse. That's for Rex.
MALE VOICE: 20 times if 20 times, back to back.
TOMMY: Yeah, in reverse.
MALE VOICE: Right.
TOMMY: Rex. His cutting down this gut, or what?
MALE VOICE: I don't know. He gave me a couple of big bets.
TOMMY: Oh.
MALE VOICE: He got Washington and on.
TOMMY: This is for Thursday.
MALE VOICE: Yeah.
TOMMY: Got Washington, minus four.
MALE VOICE: Washington, minus 4.
TOMMY: Texas, minus 18.
MALE VOICE: Minus 13.
TOMMY: L.S.U. plus 12.
MALE VOICE: U. plus 12.
TOMMY: 20 time box.
MALE VOICE: 20 time box.
TOMMY: Then, he's got Oakland plus 28.
MALE VOICE: Plus 28.
TOMMY: 20 times.
MALE VOICE: 20 times.

TOMMY: Now, this is Frankie.
MALE VOICE: Oh, that's all for Rex.
TOMMY: Right, that's Rex.
MALE VOICE: Right.
TOMMY: 3rd at Yonkers.
MALE VOICE: 3rd at Yonkers.
TOMMY: He's got quite a few of them so write small.
MALE VOICE: OK.
TOMMY: 3 & 2.
MALE VOICE: 3 & 2.
TOMMY: Fourth 6 & 1.
MALE VOICE: Fourth 6 & 1.
TOMMY: Sixth.
MALE VOICE: Sixth.
TOMMY: 7 & 3.
MALE VOICE: 7 & 3.
TOMMY: Seventh.
MALE VOICE: Seventh.
TOMMY: 1 & 5.
MALE VOICE: 1 & 5.
TOMMY: Five dollar exactas.
MALE VOICE: Five dollar exactas. No reverse.
TOMMY: No reverse. Then these are doubles.
MALE VOICE: Yeah.
TOMMY: 6 - 1.
MALE VOICE: Yonkers, 6 - 1.
TOMMY: 6 - 3.
MALE VOICE: 6 - 3.
TOMMY: 2 two dollar doubles.
MALE VOICE: 2 dollar doubles.
TOMMY: 3 - 6.
MALE VOICE: 3 - 6.
TOMMY: Ten dollar double.
MALE VOICE: Ten dollar double.

TOMMY: 5 - 8 - God damn it.

MALE VOICE: 5 - 8.

TOMMY: 5 dollar double.

MALE VOICE: 5 dollar double.

TOMMY: 2 - 1.

MALE VOICE: 2 - 1.

TOMMY: Son of a bitch. 5 dollar double.

MALE VOICE: 5 dollar double.

TOMMY: Now, in the first, Jack Nimba I'll be damned.

MALE VOICE: Take a drink.

TOMMY: I had water here. I'm all out.

MALE VOICE: Nimba.

TOMMY: And Bobby Hill.

MALE VOICE: Bobby Hill.

TOMMY: A 2 dollar double.

MALE VOICE: Alright.

TOMMY: Earl Dart.

MALE VOICE: Earl Dart.

TOMMY: Then Flying Roma.

MALE VOICE: Yeah.

TOMMY: A 2 dollar double.

MALE VOICE: Right.

TOMMY: Now, for the office, for Saturday.

MALE VOICE: Yeah.

TOMMY: Harvard, plus the three (inaudible)

MALE VOICE: What?

TOMMY: You know what outside must be.

MALE VOICE: Yeah.

TOMMY: Harvard plus 3, 200 times.

MALE VOICE: Alright.

TOMMY: And that's it.

MALE VOICE: OK.

TOMMY: How was business, bad, I mean fast.

MALE VOICE: Yeah.

TOMMY: I know it was a little busier than last night.
I'll tell you that.

MALE VOICE: Yeah, OK.

TOMMY: So lone.

MALE VOICE: So long.

10. "Tommy" is the name of the party who used the above-mentioned telephone line and number 547-6912. It is noted that the party to whom said telephone line and number 547-6912 is listed, one Rhonda Whalen, is believed to be the wife of one Thomas Whalen who has a criminal record reflecting a criminal conviction arising out of an arrest on July 8, 1969, for gambling offenses and an additional arrest for gambling felonies, occurring on August 20, 1971, the disposition of which is presently unknown to your affiant. "Dom" is the name of the party who used the above-mentioned telephone line and number 823-2318, the subject of the instant application. It is noted that DOMINICK SALAMONE, to whom telephone line and number 823-2318 are listed, has a criminal record reflecting arrests for violations of the gambling laws on October 3, 1960, August 14, 1965, and October 28, 1965, the dispositions of which are presently unknown to your affiant.

11. An analysis of the above conversations indicates that the telephone line and instrument 823-2318 listed to DOMINICK SALAMONE and located in a private house at 1104 Neill Avenue, Bronx, New York, are being used by supervisors of a bookmaking operation, wireroom operators, figuremen, clerks and runners as a wireroom facility where wagers on sports events and horse races are being accepted and processed, where bookmaking activity is being conducted.

12. The investigation currently being pursued and described in paragraphs 2 and 11 hereinabove has as its objects the curtailment of the illegal gambling operation being conducted over the telephone line and number above-captioned and the obtainment of evidence of the commission of violations of the Gambling Laws by all members of that operation. Such objects can

be obtained only upon the arrest and conviction of the operation's supervisors and bosses, those individuals who actually organize and run it. Such prosecution in turn requires the employment of electronic eavesdropping devices.

13. Successful prosecution of all members of the gambling operation cannot result from the utilization of conventional means of investigation alone for such methods would produce the arrest of only the operation's clerks, individuals whose easy replacement would occasion merely temporary inconvenience. Rather, curtailment of the gambling operation being investigated requires the use of such conventional investigative techniques in conjunction with that of electronic eavesdropping equipment and techniques.

14. Electronic surveillance of the above-captioned telephone would provide the following information which would be unattainable using conventional means of investigation:

a. The procurement of evidence necessary for the successful prosecution of those persons.

b. The location of wirerooms in associated operations. (The odds given by a gambler on a sports event are so formulated that if an equal amount of money is bet on all possible outcomes of that event, the bookmaker is insured a percentage of the total money wagered (vigorous). Thus, in the interests of achieving such a balance, the office, having the totals of all bets it has accepted will lay-off excess amounts with a lay-off room).

c. The location of figurerooms in this and associated operations.

15. Actual surveillance of the premises captioned above would, for the following reasons, not be productive, be unlikely to succeed, and even endanger successful completion of this investigation:

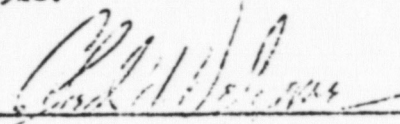
a. Evidence against the operation's bosses and supervisors, occurring as it does only within the above-captioned premises and not in public places, would not be forthcoming through surveillance and other normal investigative techniques.

b. Placement of police personnel in surveillance positions would endanger the entire investigation should their presence be discovered by members of the gambling operation, a probable result given the wariness of persons who are involved in this type of gambling activity and the caution with which they act.

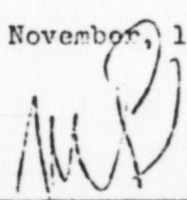
c. To provide maximum security and to work with speed and efficiency gambling operations rely on the telephone. Meetings between principals are kept to a minimum and payments and collections are accomplished by intermediaries. Thus, surveillance techniques would not produce sufficient evidence against the operation's supervisors and bosses to successfully prosecute them.

16. It is only through the use of electronic eavesdropping that information can be obtained sufficient to successfully prosecute all the members of this gambling scheme and to curtail its operation.

17. Based upon my experience in the enforcement of the gambling laws and upon the above-mentioned observations and conversations overheard through the Court authorized wiretap described hereinabove, I believe that there is reasonable and probable cause to believe that, during the hours of 10:00 A.M. and 9:00 P.M., gambling wagers are being accepted over telephone line and number 823-2318, listed to DOMINICK SALAMONE, and located in a private house at 1104 Keill Avenue, Bronx, New York, and that evidence of the commission of crimes relating to the Gambling Laws may be obtained by intercepting conversations transmitted across said telephone line and number, 823-2318.


SERGEANT ALFRED WILSON

Sworn to before me this 28th
day of November, 1973.


JUSTICE OF THE SUPREME COURT

-----X
In the Matter
of

EAVESDROPPING
WARRANT

the interception of certain wire communications transmitted over telephone line and instrument number 881-4450, listed to the AMERICAN SOCIAL CLUB, and located in a first floor store at 745 BURKE AVENUE, BRONX, NEW YORK,
-----X

IT APPEARING from the application of MARIO MEROLA, District Attorney of Bronx County, dated the 10th day of December, 1973, and the affidavit of Sergeant Alfred Welsome, New York City Police Department, duly sworn to on the 10th day of December, 1973, and the attached exhibits, all related to the interception of telephonic communications being transmitted over telephone line and instrument bearing number 881-4450, listed to the AMERICAN SOCIAL CLUB, whose President is believed to be Frank Battista, and which is located at a first floor store front at 745 BURKE AVENUE, BRONX, NEW YORK, that there is reasonable and probable cause to believe that evidence of the crimes of Promoting Gambling, Possession of Gambling Records, and Conspiracy to commit said crimes will be obtained by intercepting telephonic communications being transmitted over the aforementioned telephone line and instrument, and the Court being satisfied that said evidence, essential to the prosecution of said crimes, cannot be obtained in any other way, and there being nothing to indicate that the conversations are otherwise legally privileged, it is

ORDERED, that the District Attorney of Bronx County or his duly authorized agents or any police officer acting under his direction, be and is hereby authorized and empowered to intercept and record the telephonic communications of certain persons whose identities are presently unknown, relating to the acceptance of gambling wagers, the payment of gambling debts, the gambling odds applying to a particular sporting event and any other communication attendant to the conduct of an illegal gambling operation, and being transmitted over telephone number 881-4450, listed to the AMERICAN SOCIAL CLUB, and located in a first floor store at 745 BURKE AVENUE,

Bronx, New York, which persons acting in the capacity of supervisors, wireroom operators, figuremen, clerks and runners, are conducting an illegal gambling operation at the above-captioned premises and over the above-captioned telephone line and number, to cut, break, tap and make connections with such wires leading to and from the said telephone line and instrument which may be reasonable for the purpose; and to do all things necessary to permit communications over said telephone line and instrument for the purpose of Promoting Gambling, Possession of Gambling Records, and of Conspiracy, to commit said crimes, to be intercepted, and it is further

ORDERED, that nothing herein contained shall be construed as authorizing the District Attorney or his agents to overhear or intercept any communications which appear privileged or unrelated to the aforesaid crimes, nor to make secret entry upon the captioned premises to install an eavesdropping device, and it is further

ORDERED, that the agents and employees of the New York Telephone Company are directly constrained not to divulge the existence and/or contents of the Warrant, wiretap and/or any conversations intercepted from the above captioned telephone line and instrument to any person, including but not limited to the subscribers of the above-captioned telephone instrument whether or not the said subscriber requests that the said telephone instrument be checked to determine the existence of any electronic interception of communications, and it is further

ORDERED, that this order not be terminated upon the acquisition of a particular conversation but is to continue up to and including the expiration date as herein set forth, and it is further

ORDERED, that the provisions of this order shall be in full force and effect for a period of Thirty (30) days from the effective date of this order, twenty-four hours a day and it is further

ORDERED, that this warrant shall be executed as soon as practicable and interception shall be conducted in such a way as to minimize non-authorized interceptions.

DATED: Bronx, New York
December 10th, 1973

JUSTICE OF THE SUPREME COURT

ORDERED,

-----XX

In the Matter

of

APPLICATION FOR

EAVESDROPPING
WARRANT

the interception of certain wire communications transmitted over telephone line and instrument number 881-4450, listed to the AMERICAN SOCIAL CLUB, and located in a first floor store at 745 BURKE AVENUE, BRONX, NEW YORK.

-----XX

MARIO MEROLA, under the penalty of perjury and pursuant to Rule 2016 of C.P.L.R., hereby affirms and says:

I am the District Attorney of Bronx County and I make this application for an eavesdropping warrant under the authority granted to me by the C.P.L. Sections 700.5(5) and 700.10(1).

I have read the annexed affidavit of Sergeant Alfred Welsome, New York City Police Department, and the attached exhibits, which are incorporated herein and made a part of this application and which to your affiant's knowledge, information and belief, are complete and accurate.

My office is conducting an investigation into a gambling operation conducted and directed by parties whose identities are unknown, through the use of the above captioned premises and telephone line and number listed to the AMERICAN SOCIAL CLUB, whose President is believed to be Frank Battista, in violation of Article 225 of the New York State Penal Law, specifically those provisions entitled Promoting Gambling, Possession of Gambling Records, and Conspiracy to commit those crimes, relating to the conduct of a bookmaking operation.

The objects of this investigation are (1) the procurement of evidence necessary for the successful prosecution of those persons, (2) the location of wirerooms in associated operations (3) the locations of the figurerooms of this and associated operations.

Based upon the facts set forth insaid sworn statement, and exhibits, I respectfully submit to the Court that there are reasonable grounds and cause to believe that evidence of the commission of the crimes of Promoting Gambling, Possession of Gambling Records

the telephonic communications being transmitted over the telephone line and instrument number 881-4450, listed to the AMERICAN SOCIAL CLUB, whose President is believed to be Frank Battista, located in a first floor store at 745 BURKE AVENUE, BRONX, NEW YORK.

Said order is limited to conversations of those persons conducting the above-mentioned gambling operations in the capacity of supervisors, wireroom operators, figuremen, clerks and runners for the purpose of accepting bets on horse races and sport events. Said warrant is further limited to conversations pertaining to bookmaking activity, including the placing and accepting of bets, recitation of the line, arrangement of meetings to pay and collect monies, and discussions of persons engaged in illegal gambling activity as they occur over the above-captioned telephone. The eavesdropping warrant will be executed in such a manner as to minimize the possibility of intercepting privileged or non-pertinent conversations. No conversations which appear privileged or unrelated to this investigation will be intercepted.

To my knowledge, information and belief the conversations sought to be intercepted are not otherwise legally privileged. Based on my communications with Sergeant Welsome, all police techniques which could be utilized, have been utilized, and the only way we will be able to apprehend the perpetrators of the crimes herein set forth is through the utilization of eavesdropping. In fact, we would not have known the existence of this alleged wireroom, were it not for prior Court approved wire tap. (see Exhibits). I believe the nature of the criminal activity involved is of sufficient public importance to warrant the employment of electronic interception devices.

All appropriate investigating techniques will be used in conjunction with information obtained from the intercepted conversations and all leads will be followed with the purpose of insuring the success of obtaining sufficient intelligence and evidence for successful prosecution of the conspirators.

The conversations to be intercepted will be recorded under my supervision on tapes which will be safeguarded and kept at all times in the custody of the Bronx District Attorney's Office, will be protected from editing or other alteration and will be used solely and appropriately in the lawful investigation and prosecution of the crimes referred to above.

From the supporting affidavit and the annexed exhibits, it is apparent that the said telephone line and number is being used constantly and continuously on a daily basis, without an apparent pattern. For these reasons, your applicant respectfully requests that the warrant authorize eavesdropping for the said telephone line and number twenty-four hours a day.

Your applicant respectfully requests that an order authorizing the interception of telephonic communications be in effect for a period of Thirty (30) days from the date of the installation of the electronic device to telephone line and number 881-4450, and that the warrant or order not terminate upon the obtaining of a specific conversation because, for the reasons set forth in the annexed affidavit and exhibits, there is probable cause to believe that additional communications of the same type will occur thereafter.

NO other application for the relief sought herein has been made to any Court, Judge, or Justice.

DATED: Bronx, New York
December 10th, 1973

MARIO MEROLA, DISTRICT ATTORNEY

-----X
In the Matter

of

the interception of certain wire communications transmitted over telephone line and instrument number 881-4450, listed to the AMERICAN SOCIAL CLUB and located in a first floor store at 745 BURKE AVENUE, BRONX, NEW YORK.

AFFIDAVIT IN
SUPPORT OF
APPLICATION FOR
EAVESDROPPING
WARRANT

-----X
STATE OF NEW YORK)
) ss.:
COUNTY OF BRONX)

ALFRED WELSOME, being duly sworn, deposes and says:

1. I am a Police Sergeant in the New York City Police Department, Shield Number 1773 currently assigned to the Public Morals Division, Central Investigation Section of the Organized Crime Control Bureau (hereinafter PMDCIS), one of the principal functions of which is to investigate large scale gambling operations. I have been a police officer for fourteen years, the last nine of which I have been assigned to similar units. In the course of my official duties, I have made and supervised over 400 arrests for violations of the New York State Gambling Laws, in connection with which, I have been accepted as, and testified as, an expert witness in Grand Juries, Criminal Courts, and Supreme Courts of all five New York Counties. In addition, I have been consulted as an expert on gambling matters by the District Attorney Offices of Nassau and Westchester Counties as well as by agents of the Federal Bureau of Investigation and the Internal Revenue Service. I presently supervise a team of police officers specializing in bookmaking investigation. Pursuant to court orders, I have had occasion, as have all of my team members, to listen to, record, analyze, and make use of the daily routine business conversations of bookmakers and wireroom operators using their specialized jargon of the trade.

2. I am currently investigating an organized book-making operation which is based in Bronx County and which employs the above-captioned premises as a gambling wireroom.

3. This affidavit is submitted in support of District Attorney Mario Merola's application for an eavesdropping warrant.

4. The Prototype Gambling Operation

A wireroom is the nerve center of a gambling operation. Generally located in an apartment or empty store or a small office, it is manned by clerks who accept and process wagers on sports events and horse races. The clerks in the office are in communication with other wirerooms to "lay off" excess bets they have accepted and to check the "line" (the odds on the various contests). At night the "work" (written records of bets) is taken from the wireroom to a "figureroom" where the "figuremen" total the amounts of money won and lost by each player and runner (the man responsible for a group of players). The figures are then returned to the wire-room to be disseminated the following day.

5. Background of this Investigation

On October 26, 1973, upon an application by Mario Merola, District Attorney of Bronx County, a wiretap order was signed by the Honorable Joseph Sullivan, Justice of the Supreme Court authorizing the interception of wire communications over telephone line and number 547-6912, listed to RHONDA WHALEN, and located on the second floor of a two family house at 773 BURKE AVENUE, Bronx, New York. Pursuant to Justice Sullivan's order, electronic eavesdropping equipment was installed on said telephone line and number 547-6912 and telephone communications were intercepted and recorded.

6. During the course of said investigation, numerous outgoing calls were made from the above-mentioned telephone line and number 547-6912 to telephone number 881-4450, the telephone line and number which are the subject of the instant application. On November 23, 1973, at approximately 5:25 P.M., the following telephone call from 547-6912 into 881-4450 was intercepted and recorded:

MALE VOICE: Hello.

TOMMY: Yeah, it's me.

MALE VOICE: Yeah, What's up?

TOMMY: Is he there?

MALE VOICE: Yeah.

TOMMY: O.K. You got the line there or has he got it?

MALE VOICE: Yeah, it's over here.

TOMMY: O.K. Here's the line.

MALE VOICE: Wait a minute. Give me that line.

TOMMY: Ask him has he got any action?

MALE VOICE: (to 3rd party) You got any action? Before you give, before he give me the changes?

(to Tommy) No. Alright.

TOMMY: Make Golden State 4.

MALE VOICE: Golden State 4.

TOMMY: 4. Houston 4 1/2.

MALE VOICE: Houston 4 1/2.

TOMMY: Chicago 9.

MALE VOICE: Chicago 9.

TOMMY: Capitals 4.

MALE VOICE: Capitals 4.

TOMMY: Sonics 1 1/2.

MALE VOICE: Seattle 1 1/2

TOMMY: And that's it.

MALE VOICE: That's it.

TOMMY: Yeah.

MALE VOICE: 3 points on the football game.

TOMMY: Which one?

MALE VOICE: Oh, that's tomorrow night. Oh, I'm sorry I thought it was tonite.

TOMMY: O.K.

MALE VOICE: O.K.

TOMMY: So long.

7. On November 24, 1973, at approximately 12:17 P.M. the following telephone call from 547-6912 into 881-4450 was intercepted and recorded:

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TOMMY: Yeah.

MALE VOICE: Yeah.

TOMMY: Chicago Bulls are 4 1/2.

MALE VOICE: Hold on now. Let me put it somewhere.

TOMMY: You only got two. Put in on your schedule.

MALE VOICE: Alright. Chicago 4 1/2.

TOMMY: Right. And the Rangers 2 - 2 1/2.

MALE VOICE: Rangers.

TOMMY: 2 - 2 1/2.

MALE VOICE: 2 - 2 1/2.

TOMMY: He says use everything else the same.

MALE VOICE: O.K.

TOMMY: Right?

MALE VOICE: You got it.

TOMMY: So long.

MALE VOICE: So long.

8. On November 25, 1973, at approximately 11:30 A.M. the following telephone call from 547-6912 into 881-4450 was intercepted and recorded.

MALE VOICE: Hello.

TOMMY: Yeah, it's me.

MALE VOICE: Yeah.

TOMMY: Think you better use the Jets oh for ah, ah, Atlanta 4 1/2.

MALE VOICE: Atlanta 4 1/2.

TOMMY: Right? The others I don't know, I'm just changing this on the.

MALE VOICE: You don't know Giants, hah, Cincinnati?

TOMMY: He didn't give me no line at all yet. I changed it because we got 9 dollars on the Jets already, you know.

MALE VOICE: Yeah.

TOMMY: How'd you do last night? You enjoy yourself?

MALE VOICE: Yeah.

TOMMY: Good, You eat like a hound. You eat. So long.

MALE VOICE: Just that (inaudible). Two sandwiches.

TOMMY: No.

MALE VOICE: That's all. I'll see you later.

TOMMY: Your partner Nunzie eats pretty good.

MALE VOICE: Give me. When you get the odds now give me call, call now.

E-10

E-10

TOMMY: I'll call you right away.

MALE VOICE: On the other two games.

TOMMY: Right.

MALE VOICE: O.K.

9. On November 12, 1973, upon an application by Mario Merola, District Attorney of Bronx County, a wiretap order was signed by the Honorable Max Bloom, Justice of the Supreme Court, authorizing the interception of wire communications over telephone number 654-5907, listed to THOMAS WHALEN, and located in the same second floor premises of a two family house at 773 BURKE AVENUE, BRONX, NEW YORK, mentioned in Paragraph 5. Pursuant to Justice Bloom's order, electronic eavesdropping equipment was installed on said telephone line and number 654-5907, and telephone communications were intercepted and recorded.

10. During the course of said investigation, numerous outgoing calls were made from the above mentioned telephone line and number 654-5907, to telephone line and number 881-4450, the telephone line and number which are the subject of the instant application. On November 24, 1973, at approximately 6:11 P.M., the following telephone call from 654-5907 into 881-4450 was intercepted and recorded.

MALE VOICE: Hello.

TOMMY: Yeah, it's me.

MALE VOICE: Yeah.

TOMMY: Better make Portland Pickem.

MALE VOICE: Portland Pickem.

TOMMY: RIGHT.

MALE VOICE: O.K.

TOMMY: That's it.

MALE VOICE: alright.

11. On November 24, 1973, at approximately 6:29 P.M. the following telephone call from 654-5907 into 881-4450 was intercepted and recorded.

MALE VOICE: Hello.

TOMMY: Yeah.

MALE VOICE: Yeah.

TOMMY: Here's the line they want you to use.

MALE VOICE: Gimme me.

TOMMY: Yeah

MALE VOICE: Ah, Knicks -7 20x put Bobby.

TOMMY: -7 20x for Bobby.

MALE VOICE: Let me go and get my glasses. Always changing this

TOMMY: Ya, Ready.

MALE VOICE: Yeah.

TOMMY: Knicks 7 1/2

MALE VOICE: Knicks 7 1/2.

TOMMY: Buffalo 7 1/2.

MALE VOICE: Buffalo 7 1/2.

TOMMY: Milwaukee 5.

MALE VOICE: Milwaukee 5.

TOMMY: LA 1.

MALE VOICE: LA 1.

TOMMY: Redwings 1-1 1/2.

MALE VOICE: Yeah.

TOMMY: Montreal 1-1 1/2.

MALE VOICE: Right.

TOMMY: Toronto even 1/2. I mean 1/2 1.

MALE VOICE: Right.

TOMMY: And North Stars 1-1 1/2.
Nothing on St. Louis, don't use it.

MALE VOICE: Nothing on St. Louis, don't use it.

12. On November 24, 1973, at approximately 7:35P.M.
the following telephone call from 654-5907 into
881-4450 was intercepted and recorded.

MALE VOICE: Hello.

TOMMY: Yeah it's me.

MALE VOICE: Yeah.

TOMMY: Here's what he wants you to use tomorrow.

MALE VOICE: Hold on. Go ahead.

TOMMY: Pittsburg 4.

MALE VOICE: Pittsburg 4.

TOMMY: Yeah, New England 3 1/3.

MALE VOICE: New England, I got that.

TOMMY: L.A. 13 1/2.

MALE VOICE: L.A. 13 1/2.

TOMMY: Yeah ah, Minnesota you got 15 I guess.

MALE VOICE: Right.

TOMMY: Let me change that on mine too, Buffalo 3 1/2.

MALE VOICE: Buffalo 3 1/2.

TOMMY: Atlanta 5.
MALE VOICE: Atlanta 5.
TOMMY: Denver 1 1/2.
MALE VOICE: Denver 1 1/2.
TOMMY: And Oakland 14.
MALE VOICE: Oakland 14.
TOMMY: Frisco 4 1/2.
MALE VOICE: Frisco 4 1/2. How about the other guys you gottem off the book.
TOMMY: Yeah, I don't think there will be a line on them games
MALE VOICE: Alright, gimme for Sal.
TOMMY: For Sal.
MALE VOICE: Knicks - 7 1/2 10x.
TOMMY: Knicks -7 1/2 10x.
MALE VOICE: Take the horses.
TOMMY: Yeah.
MALE VOICE: Alright 1-3 6 double.
TOMMY: That's at Yonkers, 1 and 3 a 6 dollar DD..
MALE VOICE: 3 and 1 6 dollar D.D.
TOMMY: Okay 3 and 1 6 dollar double.
MALE VOICE: 6 and 3 20 dollar double.
TOMMY: 6 and 3 20 dollar double.
MALE VOICE: 2 and 1 3 dollar double.
TOMMY: 2 and 1 3 dollar double.
MALE VOICE: Alright, now these last 2 are for and results the ones I'm gonna give you now. 6 and 1 10 dollars.
TOMMY: 6 and 1 10 dollar double.
MALE VOICE: 5 and 1 10 dollars.
TOMMY: 5 and 1 10 dollars.
MALE VOICE: Now in the 2nd race at Yonkers,
TOMMY: YONKERS, yeah.
MALE VOICE: Get going A.
TOMMY: Get going A.
MALE VOICE: A wheel with the first.
TOMMY: With the first, 2 dollars, how much.
MALE VOICE: 10 dollars.

TOMMY: 10 dollars daily double Freehold, Yeah.

MALE VOICE: in the 3rd race exacta.

TOMMY: Yeah.

MALE VOICE: 6 and 3, 20 dollars.

TOMMY: 6 and 3, 20 dollar exacta.

MALE VOICE: 3 and 1 10 dollars.

TOMMY: Same race 3 and 1 at 10 dollars.

MALE VOICE: Exacta.

TOMMY: Yeah.

MALE VOICE: That's all.

TOMMY: O.K. So long.

13. "Tommy" is the name of the party who used both the above mentioned telephone line and number 547-6912 and the second mentioned telephone line and number 654-5907. The telephone line and number 547-6912 is listed to one Rhonda Whalen, believed to be the wife of one Thomas Whalen, and is located in the second floor premises of a two family house at 773 Burke Avenue, Bronx, New York. The second-mentioned telephone line and number 654-5907, is listed to the said Thomas Whalen, believed to be the husband of the above-mentioned Rhonda Whalen, and is located in the same above-mentioned premises at 773 Burke Avenue, Bronx, New York. Said Thomas Whalen has a criminal record reflecting a criminal conviction arising out of an arrest on July 8, 1969, for gambling offenses, and an additional arrest for gambling felonies, occurring on August 20, 1971, the disposition of which is presently unknown to your affiant. The Telephone line and number 881-4450 listed to the AMERICAN SOCIAL CLUB, is the subject of the instant application. Frank Battista, President of the AMERICAN SOCIAL CLUB, has a criminal record dating back to approximately 1935, approximately five convictions for violations of the gambling laws. In addition said Frank Battista is currently under indictment in Bronx County charged with the crime of bribery as well as numerous gambling offenses.

14. An analysis of the above conversations indicated that the telephone line and instrument 881-4450, listed to the AMERICAN SOCIAL CLUB, and located in a first floor store at 745 BURKE AVENUE, BRONX, NEW YORK, are being used by supervisors of

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a bookmaking operation, wireroom operators, figuremen, clerks and runners, as a wireroom facility where wagers on sports events and horse races are being accepted and processed, where bookmaking activity is being conducted.

15. The investigation currently being pursued and described in paragraphs 2 and 14, hereinabove has as its objects the curtailment of the illegal gambling operation and the obtainment of evidence of the commission of violations of the Gambling Laws by all members of that operation. Such objects can be obtained only upon the arrest and conviction of the operation's supervisors and bosses, those individuals who actually organize and run it. Such prosecution in turn requires the employment of electronic eavesdropping devices.

16. Successful prosecution of all members of the gambling operation cannot result from the utilization of conventional means of investigation alone for such methods would produce the arrest of only the operation's clerks, individuals whose easy replacement would occasion merely temporary inconvenience. Rather, curtailment of the gambling operation being investigated requires the use of such conventional investigative techniques in conjunction with that of electronic eavesdropping equipment and techniques.

17. Electronic surveillance of the above-captioned telephone would provide the following information which would be unattainable using conventional means of investigation:

a. The procurement of evidence necessary for the successful prosecution of those persons.

b. The location of wirerooms in associated operations. (The odds given by a gambler on a sports event are so formulated that if an equal amount of money is bet on all possible outcomes of that event, the bookmaker is insured a percentage of the total money wagered (vigorish). Thus, in the interests of achieving such a balance, the office, having the totals of all bets it has accepted will lay-off excess amounts with a lay-off room).

c. The location of figurerooms in this and associated operations.

18. Actual surveillance of the premises captioned above ^{would} should, for the following reasons, not be productive, be unlikely to succeed, and even endanger successful completion of this investigation.

a. Evidence against the operation's bosses and supervisors, occurring as it does only within the above-captioned premises and not in public places, would not be forthcoming through surveillance and other normal investigative techniques.

b. Placement of police personnel in surveillance positions would endanger the entire investigation should their presence be discovered by members of the gambling operation, a probable result given the wariness of persons who are involved in this type of gambling activity and the caution with which they act.

c. To provide maximum security and to work with speed and efficiency gambling operations rely on the telephone. Meetings between principals are kept to a minimum and payments and collections are accomplished by intermediaries. Thus, surveillance techniques would not produce sufficient evidence against the operation's supervisors and bosses to successfully prosecute them.

19. It is only through the use of electronic eavesdropping that information can be obtained sufficient to successfully prosecute all the members of this gambling scheme and to curtail its operation.

20. Based upon my experience in the enforcement of the gambling laws and upon the above-mentioned observations and conversations overheard through the Court's authorized wiretap described hereinabove, I believe that there is reasonable and probable cause to believe that constantly and continuously on a daily basis without an apparent pattern gambling wagers are being accepted over telephone line and number 881-4450, listed to the AMERICAN SOCIAL CLUB, and located in first floor store at 745 BURKE AVENUE, BRONX, NEW YORK, and that evidence of the commission of crimes relating to the Gambling Laws may be obtained by intercepting conversations transmitted across said telephone line and number 881-4450.

Sergeant Alfred Welsome.

Sworn to before me this 10th
day of December, 1973.

JUSTICE OF THE SUPREME COURT

-----X
In the Matter

of

the interception of certain wire communications transmitted over telephone line and instrument number 653-3341, listed to the G & D LUNCHEONETTE and located in a first floor store at 3607 BRONXWOOD AVENUE, Bronx, New York

EAVESDROPPING WARRANT

BEST COPY AVAILABLE

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IT APPEARING from the application of Mario Merola, District Attorney of Bronx County, dated the 24th day of January, 1974, and the affidavit of Detective William O'Connor, New York City Police Department, duly sworn to on the 24th day of January, 1974, and the attached exhibits, all related to the interception of telephonic communications being transmitted over telephone line and instrument bearing number 653-3341, listed to the G & D LUNCHEONETTE, whose telephone subscriber is believed to be Michael Difuri, and which is located at a first floor store front at 3607 BRONXWOOD AVENUE, Bronx, New York, that there is reasonable and probable cause to believe that evidence of the crimes of Promoting Gambling, Possession of Gambling Records, and Conspiracy to commit said crimes will be obtained by intercepting telephonic communications being transmitted over the aforementioned telephone line and instrument, and the Court being satisfied that said evidence, essential to the prosecution of said crimes, cannot be obtained in any other way, and there being nothing to indicate that the conversations are otherwise legally privileged, it is

ORDERED, that the District Attorney of Bronx County or his duly authorized agents or any police officer acting under his direction, be and is hereby authorized and empowered to intercept and record the telephonic communications of certain persons whose identities are presently unknown, relating to the acceptance of gambling wagers, the payment of gambling debts, the gambling odds applying to a particular sporting event and any other communication attendant to the conduct of an illegal gambling operation, and being transmitted over telephone number 653-3341, listed to the G & D LUNCHEONETTE, and located

in a first floor store at 3607 BRONXWOOD AVENUE, Bronx, New York, which persons acting in the capacity of supervisors, wireroom operators, figuremen, clerks, collectors, and runners, are conducting an illegal gambling operation at the above-captioned telephone line and number, and to cut, break, tap and make connections with such wires leading to and from said telephone line and instrument which may be reasonable for the purpose; and to do all things necessary to permit communications over said telephone line and instrument for the purpose of Promoting Gambling, Possession of Gambling Records, and of Conspiracy to commit said crimes, to be intercepted, and it is further

ORDERED, that nothing herein contained shall be construed as authorizing the District Attorney or his agents to overhear or intercept any communications which appear privileged or unrelated to the aforesaid crimes. Secret entry upon the captioned premises is not necessary to install this eavesdropping device, and it is further

ORDERED, that the agents and employees of the New York Telephone Company are directly constrained not to divulge the existence and/or contents of the warrant, wiretap, and/or any conversations intercepted from the above captioned telephone line and instrument to any person, including but not limited to the subscribers of the above-captioned telephone instrument whether or not the said subscribers requests that the said telephone instrument be checked to determine the existence of any electronic interception of communications, and it is further

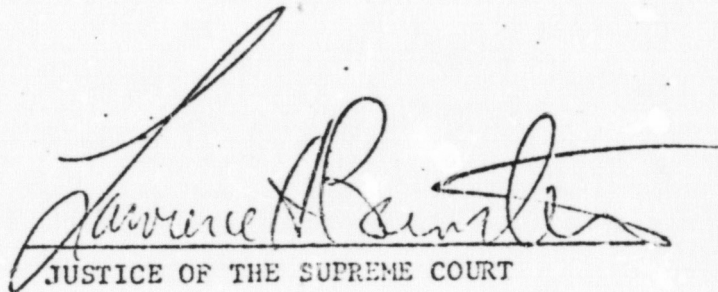
ORDERED, that this Order not be terminated upon the acquisition of a particular conversation but is to continue up to and including the expiration date as herein set forth, and it is further

ORDERED, that the provisions of this Order shall be in full force and effect for a period of Thirty Days (30) from the effective date of this Order, that is from 8:00 A. M. January 24th, 1974 to 8:00 P. M. February 22nd, 1974 at any time between the hours of 8:00 A. M. and 8:00 P. M., and it is further

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ORDERED, that this warrant shall be executed as soon as practicable and interception shall be conducted in such a way as to minimize non-authorized interceptions.

DATED: Bronx, New York
January 24th, 1974



JUSTICE OF THE SUPREME COURT

-----X
In the Matter
of

APPLICATION FOR
EAVESDROPPING
WARRANT

the interception of certain wire communications transmitted over telephone line and instrument number 653-3341, listed to the G & D LUNCHEONETTE, and located in a first floor store at 3607 BRONX-WOOD AVENUE, BRONX, NEW YORK.

-----X

MARIO MEROLA, under the penalty of perjury and pursuant to Rule 2106, of the C.P.L.R., hereby affirms and says:

I am the District Attorney of Bronx County and I make this application for an eavesdropping warrant under the authority granted to me by the C.P.L. Sections 700.5(5) and 700.10 (1).

I have read the annexed affidavit of Detective William O'Connor, New York City Police Department, and the attached exhibits, which are incorporated herein and made a part of this application and which to your affiant's knowledge, information and belief, are complete and accurate.

My office is conducting an investigation into a gambling operation conducted and directed by parties whose identities are unknown, through the use of the above captioned premises and telephone line and number listed to the G & D LUNCHEONETTE, whose telephone is believed to be subscribed by Michael DiTuri, in violation of Article 225 of the New York State Penal Law, specifically those provisions entitled Promoting Gambling, Possession of Gambling Records, and Conspiracy to commit those crimes, relating to the conduct of a bookmaking operation.

The objects of this investigation are (1) the procurement of evidence necessary for the successful prosecution of those persons, (2) the location of wirerooms in associated operations, (3) the locations of the figurerooms and/or banks of this associated operations.

Based upon the facts set forth in said sworn statement, and exhibits, I respectfully submit to the Court that there are reasonable grounds and cause to believe that evidence of the

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commission of the crimes of Promoting Gambling, Possession of Gambling Records and Conspiracy to commit said crimes may be obtained by intercepting the telephone communications being transmitted over the telephone line and instrument number 653-3341, listed to the G & D LUNCHEONETTE, whose telephone is believed to be subscribed by Michael DiTuri, located in a first floor store at 3607 BRONXWOOD AVENUE, BRONX, NEW YORK.

Said order is limited to conversations of those persons conducting the above-mentioned gambling operations in the capacity of supervisors, wireroom operators, figuremen, clerks, collectors and runners for the purpose of accepting bets on horse races policy and sport events. Said warrant is further limited to conversations pertaining to gambling activity, and related organized crime activity, including the placing and accepting of bets, recitation of the line, arrangement of meetings to pay and collect monies, and discussions of persons engaged in illegal gambling activity as they occur over the above-captioned telephone. The eavesdropping warrant will be executed in such a manner as to minimize the possibility of intercepting privileged or non-pertinent conversations. No conversations which appear privileged or unrelated to this investigation will be intercepted.

To my knowledge, information and belief the conversations sought to be intercepted are not otherwise legally privileged. Based on my communications with Detective O'Connor, all police techniques which could be utilized, have been utilized, and the only way we will be able to apprehend the perpetrators of the crimes herein set forth is through the utilization of eavesdropping. In fact, we would not have known the existence of this alleged wireroom, were it not for prior Court approved wire tap. (See Exhibit "A"). I believe the nature of the criminal activity involved is of sufficient public importance to warrant the employment of electronic interception devices.

All appropriate investigating techniques will be used in conjunction with information obtained from the intercepted conversations and all leads will be followed with the purpose of insuring the success of obtaining sufficient intelligence and evidence for successful prosecution of the conspirators.

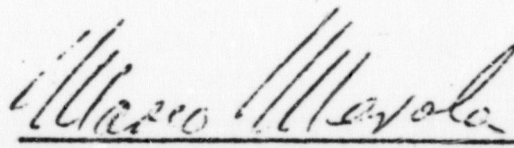
The conversations to be intercepted will be recorded under my supervision on tapes which will be safeguarded and kept at all times in the custody of the Bronx District Attorney's Office, will be protected from editing or other alteration and will be used solely and appropriately in the lawful investigation and prosecution of the crimes referred to above.

From the supporting affidavit and the annexed exhibits, it is apparent that the said telephone line and number is being used constantly and continuously on a daily basis. For these reasons, your applicant respectfully requests that the warrant authorize eavesdropping for the said telephone line and number at any time between the hours of 8 A.M. and 8:00 P.M.

Your applicant respectfully requests that an order authorizing the interception of telephonic communications be in effect for a period of Thirty (30) days from the date of the installation of the electronic device to telephone line and number 653-3341, and that the warrant or order not terminate upon the obtaining of a specific conversation because, for the reasons set forth in the annexed affidavit and exhibits, there is probable cause to believe that additional communications of the same type will occur thereafter.

NO other application for the relief sought herein has been made to any Court, Judge, or Justice.

DATED: Bronx, New York
January 24, 1974


MARIO MEROLA, DISTRICT ATTORNEY

In the Matter

BEST COPY AVAILABLE

of

AFFIDAVIT IN SUPPORT
OF APPLICATION FOR
EAVESDROPPING WARRANT

the interception of certain wire communications transmitted over telephone line and instrument number 653-3341, listed to the G & D LUNCHEONETTE and located in a first floor store at 3607 BRONXWOOD AVENUE, BRONX, NEW YORK

STATE OF NEW YORK)
) ss.:
COUNTY OF BRONX)

WILLIAM O'CONNOR, being duly sworn, deposes and says:

1. I am a Detective in the New York City Police Department, Shield Number 20663 currently assigned to the Public Morals Division, Central Investigation Unit of the Organized Crime Control Bureau (hereinafter PMDCIU), one of the principal functions of which is to investigate large scale gambling operations. I have been a police officer for ten and a half years, and since August 1969, I have been assigned to similar units. In the course of my official duties, I have made and assisted in over one hundred (100) arrests for violations of the New York State Gambling Laws, in connection with which, I have been accepted as, and testified as, an expert witness in Grand Jury in Brooklyn County, the Criminal Courts in Brooklyn, Manhattan, and Bronx Counties, and Supreme Court of Brooklyn County. In addition, I have been consulted as an expert on gambling matters by the District Attorney's Office of Brooklyn County and assisted both the Federal Bureau of Investigation and the Internal Revenue Service. I am presently assigned with a team of police officers specializing in gambling investigations. Pursuant to court orders, I have had occasion to listen to, record, analyze, and make use of the daily routine business conversations of bookmakers and wireroom operators using their specialized jargon of the trade.

2. I am currently investigating an organized gambling operation which is based in Bronx County and which employs the above-captioned premises in a gambling structure.

3. This affidavit is submitted in support of District Attorney Mario Merola's application for an eavesdropping warrant.

4. The Prototype Gambling Operation

A wireroom is the nerve center of a gambling operation. Generally located in an apartment or empty store or a small office, it is manned by clerks who accept and process wagers on sports events, numbers and horse races. The clerks in the office are in communication with other wirerooms to "lay off" excess bets they have accepted and to check the "line" (the odds on the various contests). At night the "work" (written records of bets) is taken from the wireroom to a "figureroom" and/or "bank", where the "figuremen" and/or "bank clerk" total the amounts of money won and lost by each player and runner (the man responsible for a group of players.) The figures are then returned to the wireroom to be disseminated that day or the following day.

5. Background of this Investigation

On October 26, 1973, upon an application by Mario Merola, District Attorney of Bronx County, a wiretap order was signed by the Honorable Joseph Sullivan, Justice of the Supreme Court, authorizing the interception of wire communications over telephone line and number 547-6912, listed to RHONDA WHALEN, and located on the second floor of a two family house at 773 BURKE AVENUE, Bronx, New York. Pursuant to Justice Sullivan's order, electronic eavesdropping equipment was installed on said telephone line and number 547-6912 and telephone communications were intercepted and recorded.

6. During the course of said investigation, numerous outgoing gambling calls were made from the above-mentioned telephone line and number 547-6912 to telephone number 851-4450.

7. On November 12, 1973, upon application by Mario Merola, District Attorney of Bronx County, a wiretap order was signed by the Honorable Max Bloom, Justice of the Supreme Court, authorizing the interception of wire communications over telephone number 654-5907, listed to THOMAS WHALEN, and located in the same second floor premises of a two family house at 773 BURKE AVENUE, Bronx, New York, mentioned in Paragraph 5. Pursuant to Justice Bloom's order, electronic eavesdropping equipment was installed on said telephone line and number 654-5907, and telephone communications were intercepted and recorded.

8. During the course of said investigation, numerous outgoing gambling calls were made from the above-mentioned telephone line and number 654-5907, to telephone line and number 881-4450.

9. On November 28, 1973, upon an application by Mario Merola, District Attorney of Bronx County, a wiretap order was signed by the Honorable Max Bloom, Justice of the Supreme Court, authorizing the interception of wire communications over telephone line and number 823-2318, listed to DOMINICK SALAMONE, and located in a private house at 1104 NEILL AVENUE, BRONX, NEW YORK. Pursuant to Justice Bloom's order, electronic eavesdropping equipment was installed on said telephone line and number 823-2318 and numerous gambling telephone communications were intercepted and recorded.

10. On December 10, 1973, upon an application by Mario Merola, District Attorney of Bronx County, a wiretap order was signed by the Honorable Max Bloom Justice of the Supreme Court, authorizing the interception of wire communications over the above-referred to telephone line and number 881-4450, listed to the AMERICAN SOCIAL CLUB, and located in a first floor store at 745 BURKE AVENUE, BRONX, NEW YORK. Pursuant to Justice Bloom's order, electronic eavesdropping equipment was installed on said telephone line and number 881-4450, and numerous gambling telephone conversations were intercepted and recorded.

11. During the course of said investigation, numerous outgoing calls were made to the captioned telephone line and number 653-3341, listed to G & D LUNCHEONETTE and located in a first floor store at 3607 BRONXWOOD AVENUE, the telephone line and number which is the subject of the instant application.

12. On December 17, 1973, at approximately 1:58 P.M., the following telephone call from 881-4450 into 653-3341 was intercepted and recorded.

MALE VOICE- Hello

11

FRANK- Frankie

MALE VOICE- ye, Frankie

FRANKIE- 36 for 5, MALE VOICE- Repeats
36 for 5

(FRANKIE)- 63 for 5, MALE VOICE- Repeats
63 for 5

(FRANKIE)- 04 for 20, MALE VOICE- Repeats
04 for 20

(FRANKIE)- 07 for 5 MALE VOICE- Repeats
05 for 5

(FRANKIE)- 29 for 2 1/2 (Two & a half)
29 for 2 1/2 MALE VOICE- Repeats (Two & a half)

(FRANKIE)- 92 for 2 1/2 (Two & a half)
92 for 2 1/2 MALE VOICE- Repeats (Two & a half)

(FRANKIE)- 6 for 25 MALE VOICE- Repeats
6 for 25

4 for 20 MALE VOICE- Repeats
4 for 20

(FRANKIE)- 2 for 5

MALE VOICE- Right Frank

(FRANKIE)- O.K.

13. On December 17, 1973, at approximately 2:32 P.M., the following telephone call from 881-4450 into 653-3341 was intercepted and recorded.

MALE VOICE- Hello

(FRANKIE)- ye Frankie

MALE VOICE- Six- Now you only got about ten minutes to work. Twenty-two

(FRANKIE)- Twenty-two

MALE VOICE- Right

(FRANKIE)- O.K.

14. On December 17, 1973, at approximately 2:43 P.M., the following telephone call from 881-4450 into 653-3341 was intercepted and recorded.

MALE VOICE- Hello

(FRANKIE)- Ye, Frankie

MALE VOICE- Ye Frankie

(FRANKIE)- 2 for 15

MALE VOICE- Repeats 2 for 15

(FRANKIE)- 3 for 25

MALE VOICE- Repeats 3 for 25

(FRANKIE)- 4 for Dollar

MALE VOICE- Repeats 4 for Dollar

(FRANKIE)- Ah, Ah, Ah-About three o'clock good

MALE VOICE- Ye, I think so Frank cause their
running early.

(FRANKIE)- All Right

MALE VOICE- O.K.

15. On December 17, 1973, at approximately 2:45 P.M., the following telephone call from 881-4450 into 653-3341 was intercepted and recorded.

MALE VOICE- Hello

(FRANKIE)- ye it's Frankie

MALE VOICE- ye Frankie

(FRANKIE)- 1 for 10

MALE VOICE- Repeats 1 for 10

(FRANKIE)- 3 for 5

MALE VOICE- Repeats 3 for 5

(FRANKIE)- 4 for 10

MALE VOICE- Repeats 4 for 10

(FRANKIE)- 8 for 20

MALE VOICE- Repeats 8 for 20

(FRANKIE)- That's it.

16. On December 17, 1973, at approximately 3:00 P.M., the following telephone call from 881-4450 into 653-3341 was

MALE VOICE- Hello

(FRANKIE)- Hello, Frankie

MALE VOICE- I am just, listen fellow, I didn't
get nothing yet

(FRANKIE)- What

MALE VOICE- Do me a favor. Call rattle them numbers
off again hah- do you know I just
dropped the paper

(FRANKIE)- All right, you want them all

MALE VOICE- ye, give me them

(FRANKIE)- All right, I'll start the

(FRANKIE)- 4 for Dollar

MALE VOICE- Repeats 4 for Dollar

(FRANKIE)- 3 for 25

MALE VOICE- Repeats 3 for 25

(FRANKIE)- 2 for 15

MALE VOICE- Repeats 2 for 15

(FRANKIE)- 8 for 20

MALE VOICE- Repeats 8 for 20

(FRANKIE)- 1 for 10

MALE VOICE- Repeats 1 for 10

(FRANKIE)- 3 for 15

MALE VOICE- Repeats 3 for 15

(FRANKIE)- 4 for 10

MALE VOICE- Repeats 4 for 10

(FRANKIE)- Have you got my number

MALE VOICE- No gimme it

(FRANKIE)- 881- thought you had it 4450

MALE VOICE- O.K. Frank

17. On December 17, 1973, at approximately 3:08 P.M., the following telephone call from 881-4450 into 653-3341 was intercepted and recorded.

MALE VOICE- Hello
(FRANKIE)-- ye Frankie
MALE VOICE- 8
(FRANKIE)- 8
MALE VOICE- Right
(FRANKIE)- Hum

18. On December 27, 1973, at approximately 1:10 P.M., the following telephone call from 881-4450 into 653-3341 was intercepted and recorded.

MALE VOICE- (Luncheonette)-Hello
Frank- How are you, Frankie
MALE VOICE- Yeah, Frankie
FRANK- At New York, 139 Eleven Dollars
MALE VOICE- Repeats
FRANK- 319 for Eight
MALE VOICE- Repeats
FRANK- Now for leeds. Th-Thirteen and thirty-one,
three each.
MALE VOICE- Repeats
FRANK- 3 for Five
MALE VOICE- Repeats
FRANK- The one for ten
MALE VOICE- Repeats
FRANK- That's all, Bud
MALE VOICE- O.K. Buddy
FRANK- Good-bye.

19. On December 27, 1973, at approximately 1:57 P.M., the following telephone call from 881-4450 into 653-3341 was intercepted and recorded.

MALE VOICE- Hello

LARRY- Yeah, Frankie (Larry is apparently calling for Frankie)

MALE VOICE- Six, you've got until a quarter after.

LARRY- So long

20. On December 27, 1973, at approximately 2:19 P.M., the following telephone call from 881-4450 into 653-3341 was intercepted and recorded.

Larry to (After dialing, and before person
Someone in on other end picked up phone)
Club.- I gotta call them in- Don't Don't What do
you want Buddy? (Phone picked up)

MALE VOICE- Hello

LARRY- yeah, Frankie (Larry apparently calling for Frankie)

MALE VOICE- Ye, Yeah Frank

LARRY- Ah-one-eight for six dollars

MALE VOICE- Repeats

LARRY- Ah. The one for twenty-five dollars

MALE VOICE- Repeats

LARRY- Four-seven for five dollars

MALE VOICE- Repeats

LARRY- Seven-for for Five Dollars

MALE VOICE- Repeats

LARRY- The four for ten dollars

MALE VOICE- Repeats

LARRY- Eighty two for ten dollars

MALE VOICE- Repeats

LARRY- The six for ten dollars

MALE VOICE- Repeats

LARRY- The four for five dollars

MALE VOICE- Repeats

LARRY- The nine for ten dollars

MALE VOICE- Repeats

LARRY- Ninety three, Two and a half

MALE VOICE- Repeats

LARRY- And thirty nine- Two and a half

MALE VOICE- Repeats

LARRY- yeah

MALE VOICE- Right

LARRY- So long

21. On January 7, 1974, at approximately 2:52 P.M., the following telephone call from 881-4450 into 653-3341 was intercepted and recorded.

MALE VOICE- Hello

WILLY- Frankie (Willy is apparently calling for Frank)

MALE VOICE- One. You've got until ten after.

WILLY- Right

22. On January 7, 1974, at approximately 3:05 P.M., the following telephone call from 831-4450 into 653-3341 was intercepted and recorded.

MALE VOICE- Hello

WILLY- Yeah, Frank (Willy is apparently calling for Frank)

MALE VOICE- Yeah, Frank

WILLY- You got Ah-Seventy eight for two and a half

MALE VOICE- Repeats

WILLY- Eight-seven for two and a half

MALE VOICE- Repeats

WILLY- Three for ten

MALE VOICE- Repeats

WILLY- Five for five

MALE VOICE- Repeats

WILLY- Thirty nine for five

MALE VOICE- Repeats

WILLY- Ninety three for five

MALE VOICE- Repeats

WILLY- Three for ten

MALE VOICE-

WILLY- Seventy-eight for five

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MALE VOICE- Repeats

WILLY- Three-oh for two

MALE VOICE- Repeats

WILLY- Three-six for two

MALE VOICE- Repeats

WILLY- Sixty-three for two

MALE VOICE- Repeats

WILLY- Forty-six for two

MALE VOICE- Repeats

WILLY- Sixty-six for two

MALE VOICE- Repeats

WILLY- That's it

MALE VOICE- Right

WILLY- So long

23. On January 7, 1974, at approximately 3:07 P.M. the following telephone call from 881-4450 into 653-3341 was intercepted and recorded.

MALE VOICE- Hello

FRANK- Yeah, Frankie

MALE VOICE- Yeah

FRANK- Give me four for fifty

MALE VOICE- Repeats

FRANK- Nine for ten

MALE VOICE- Repeats

FRANK- Wh-wh-What (to someone in background) Ah listen

MALE VOICE- Yeah

FRANK- Tell that guy he has an error. He-he-he's got me down balance twenty-two. Tell him it's nineteen.

MALE VOICE- He has twenty two.

FRANK- It's nineteen

MALE VOICE- You say it's nineteen

-10-

FRANK- I owed him thirty nine. I sent him two- it's nineteen.

MALE VOICE- It's nineteen balance you got.

FRANK- Right

MALE VOICE- O.K. I'll tell him

FRANK- So long

24. "Tommy" believed to be Thomas Whalen A/K/A "Shorty", the name of the party who used both the above mentioned telephone line and number 547-6912 and the second mentioned telephone line and number 654-5907. The telephone line and number 547-6912 is listed to one Rhonda Whalen, believed to be the wife of one Thomas Whalen, and is located in the second floor premises of a two family house at 773 Burke Avenue, Bronx, New York. The second-mentioned telephone line and number 654-5907, is listed to the said Thomas Whalen, believed to be the husband of the above-mentioned Rhonda Whalen, and is located in the same above-mentioned premises at 773 Burke Avenue, Bronx, New York. Said Thomas Whalen has a criminal record reflecting a criminal conviction arising out of an arrest on July 8, 1969, for gambling offenses, and an additional arrest for gambling felonies, occurring on August 20, 1971, the disposition of which is presently unknown to your affiant. The telephone line and number 881-4450 is listed to the AMERICAN SOCIAL CLUB. Frank Battista, believed to be President of the AMERICAN SOCIAL CLUB, has a criminal record dating back to approximately 1935, approximately five convictions for violations of the gambling laws. In addition said Frank Battista is currently under indictment in Bronx County charged with the crime of bribery as well as numerous gambling offenses.

25. Michael DiTuri, the subscriber of the subject of the instant application, telephone line and number 653-3041, which is listed to G & D LUNCHEONETTE, has a criminal record reflecting approximately 47 arrests between 1950 and September 1, 1971 with approximately 12 convictions for violations of the

Gambling Laws.

26. In addition, Michael DiTuri is a known gambler, number 4080. His B number is 466807.

27. An analysis of the above conversations indicates that the telephone line and instrument 653-3341, listed to the G & D LUNCHEONETTE, and located in a first floor store at 3607 BRONXWOOD AVENUE, BRONX, NEW YORK, are being used for illegal gambling activity.

28. The investigation currently being pursued and described hereinabove has as its objects the curtailment of the illegal gambling operation and the obtainment of evidence of the commission of violations of the Gambling Laws by all members of that operation. Such objects can be obtained only upon the arrest and conviction of the operation's supervisors and bosses, those individuals who actually organize and run it. Such prosecution in turn requires the employment of electronic eavesdropping devices.

29. Successful prosecution of all members of the gambling operation cannot result from the utilization of conventional means of investigation alone for such methods would produce the arrest of only the operation's clerks, individuals whose easy replacement would occasion merely temporary inconvenience. Rather, curtailment of the gambling operation being investigated requires the use of such conventional investigative techniques in conjunction with that of electronic eavesdropping equipment and techniques.

30. Electronic surveillance of the above-captioned telephone would provide the following information which would be unattainable using conventional means of investigation:

a. The procurement of evidence necessary for the successful prosecution of those persons.

b. The location of wirerooms in associated operations. (The odds given by a gambler on a sports event are so formulated that if an equal amount of money is bet on all

possible outcomes of that event, the bookmaker is insured a percentage of the total money wagered (vigorish). To in the interests of achieving such a balance, the office, having the totals of all bets it has accepted will lay-off excess amounts with a lay-off room).

c. The location of figurerooms in this and associated operations.

31. Actual surveillance of the premises captioned above would, for the following reasons, not be productive, be unlikely to succeed, and even endanger successful completion of this investigation.

a. Evidence against the operation's bosses and supervisors, occurring as it does only within the above captioned premises and not in public places, would not be forthcoming through surveillance and other normal investigative techniques.

b. Placement of police personnel in surveillance positions would endanger the entire investigation should their presence be discovered by members of the gambling operation, a probable result given the wariness of persons who are involved in this type of gambling activity and the caution with which they act.

c. To provide maximum security and to work with speed and efficiency gambling operations rely on the telephone. Meetings between principals are kept to a minimum and payments and collections are accomplished by intermediaries. Thus, surveillance techniques would not produce sufficient evidence against the operation's supervisors and bosses to successfully prosecute them.

32. It is only through the use of electronic eavesdropping that information can be obtained sufficient to successfully prosecute all the members of this gambling scheme and to curtail its operation.

33. Based upon my experience in the enforcement of the gambling laws and upon the above-mentioned observations and conversations overhead through the Court's authorized wiretap described hereinabove, I believe that there is reasonable and probable cause to believe that constantly and continuously on a daily basis gambling wagers are being accepted over telephone line and number 653-3341, listed to the G & D LUNCHEONETTE, and located in a first floor store at 3607 BRONXWOOD AVENUE, BRONX, NEW YORK, and that evidence of the commission of crimes relating to the Gambling Laws may be obtained by intercepting conversations transmitted across said telephone line and number 653-3341.

Detective William O'Connor
Detective William O'Connor

Sworn to before me this 24
day of January, 1974.

Lawrence H. Beattie
JUSTICE OF THE SUPREME COURT

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In the Matter

of

ORDER

interception of telephonic communications being transmitted over telephone line and instrument bearing number 994-2007, listed under the name of LOUIS EXPRESSO SHOP, 3916 DYER AVENUE, the BRONX, and being used by LOUIS VACCARELLI.

IT APPEARING, from the affidavits of Mario Merola, District Attorney of Bronx County, and Police Officer George R. Nordt, assigned to the Bronx Public Morals Division, duly sworn on the day of April, 1974, that: there are reasonable and probable grounds to believe that evidence of violations of the Gambling Laws of the State of New York (Article 225, Penal Law) may be obtained by intercepting telephonic communications being transmitted over telephone line and instrument bearing number 994-2007, listed under the name of LOUIS EXPRESSO SHOP, located at 3916 DYER AVENUE, the BRONX, and being used by LOUIS VACCARELLI, and the Court being duly satisfied as to the existence of said reasonable grounds and that the ends of Justice will be served by authorizing the interception of said communications; and the Court being satisfied that the desired information cannot be procured in any other way, and there being nothing to indicate that the conversations are in any way privileged, it is

ORDERED, that the District Attorney of Bronx County, or any of his duly authorized agents, or any Police Officer acting under his direction, be and hereby is authorized and empowered to intercept any and all telephonic communications being transmitted over the said telephone line, to cut, break, tap and make connections with wires leading to and from the said telephone instrument which may be reasonable for that purpose and to do all things necessary to permit communications over said telephone instrument to be intercepted for the purpose of obtaining evidence of the violation of the Gambling Laws of the State of New York (Article 225 Penal Law), and it is further

ORDERED, that the conversations to be intercepted will be those of LOUIS VACCARELLI and other unidentified parties relating specifically to illegal bets on horseracing, sports betting, and policy and conspiracy to commit the crimes of Gambling, Promoting Gambling, and related activity.

ORDERED, that because of the exigent circumstances described in the supporting affidavits, no prior notice of such telephone interceptions need be given to the named subscriber of said telephone instrument, and it is further

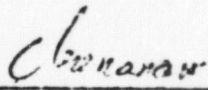
ORDERED, that if and when the information desired is procured, that a return stating the information received be brought before the Court at the Courthouse, 851 Grand Concourse, Bronx County, and it is further

ORDERED, that the effective period of this order is not to be terminated upon the acquisition of a particular conversation but it is to continue up to and including the expiration date as hereinafter set forth, and it is further

ORDERED, that the authorization to intercept shall be executed as soon as practicable and shall be conducted in such a manner as to minimize the interception of communications not otherwise subject to eavesdropping under the Criminal Procedure Law of the State of New York, and it is further

ORDERED, that this Order shall be effective until and including the day of April, 1974.

DATED: Bronx, New York
April , 1974



JUSTICE OF THE SUPREME COURT

-X

In the Matter
of

AFFIDAVIT

interception of telephonic communications being
transmitted over telephone line and instrument
bearing number 994-2007, listed under the name
of LOUIS EXPRESSO SHOP, 3916 DYRE AVENUE, the
BRONX, and being used by LOUIS VACCARELLI.

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STATE OF NEW YORK }
COUNTY OF BRONX } ss.:

MARIO MEROLA, being duly sworn, hereby deposes and
says:

I am the District Attorney of Bronx County, and I
hereby make this application for an eavesdropping warrant under
the authority granted to me by the Criminal Procedure Law §700.5(5)
and § 700.10(1). The following allegations are upon information
and belief and the sources of my information and grounds for my
belief are the investigations and reports of Police Officer George
R. Nordt, New York City Police Department, assignd to the Bronx
Public Morals Division.

LOUIS VACCARELLI, is under investigation by my office
for the offense of Gambling, Promoting Gambling and related
activities, and I believe that an eavesdropping order should be
issued in connection with LOUIS VACCARELLI'S activities in relation
to these offenses so that his communications relating thereto may
be intercepted.

I have been informed by Police Officer George R.
Nordt that LOUIS VACCARELLI is using a telephone instrument bearing
number 994-2007, to aid him in committing the crimes of Gambling
and Promoting Gambling.

I have read the affidavit of Police Officer George
R. Nordt, annexed hereto and made part of this application, and
to my knowledge and information and belief, all of the matters
set forth therein are truthful and accurate.

Accordingly, your deponent asserts that there is

reasonable and probable cause to believe that the crimes of Gambling and Promoting Gambling are being committed by LOUIS VACCARELLI and other individuals, some identified and others yet unknown, as more specifically described in the affidavit of Police Officer Nordt.

Additionally, based upon all of the information provided by other police officers, members of the Public Morals Division, who were assigned to this investigation, I assert that there is reasonable and probable cause to believe that the interception of communications by the installation of an electronic eavesdropping device on telephone line and instrument bearing number 994-2007 will enable evidence of the aforesaid crimes to be obtained.

The conversations sought to be intercepted will relate to the accepting of bets on sports events and horse racing as well as policy. In line therewith, these conversations will reveal the locations of pick-up and drop-off points for the wagers, money and gambling records, and other contraband involved with the commission of the aforesaid crimes; as well as the identities of many participants in the chain who collect and who distribute gambling records, policy slips, as well as the monies collected and paid out in the furtherance of committing said crimes.

The place from which the communications are to be intercepted is LOUIS EXPRESSO SHOP, 3916 DYRE AVENUE, the BRONX. The aforementioned telephone line and instrument bearing number 994-2007, is a telephone located in the rear of said LOUIS EXPRESSO SHOP.

The statements to be intercepted are not otherwise legally privileged.

Normal investigative procedures have been tried and failed to obtain the evidence sought, as demonstrated factually by the affidavit of Police Officer George R. Nordt, annexed hereto.

The eavesdropping is required to be maintained for a period of thirty (30) days commencing April , 1974.

A prior application for a Dial Impulse Recorder was made to and granted by this Court on April 4th, 1974. An extension of said application was ordered by this Court on April 10, 1974, and expired on April 13, 1974. Said Dial Impulse Recorder did not intercept any communications or conversations, but merely gathered the phone numbers of outgoing calls, as well as the volume of incoming calls for the telephone instrument which is the subject of this application. An original copy of said application and extension are on file with this Court. As a result of the attaching of said device, valuable evidence was obtained, as more specifically explained in the affidavit of Police Officer Nordt, annexed hereto. It is based upon that information, when compiled with the hereinafter described observations of the officers, that this application is being made.

Apart from the abovementioned application for a Dial Impulse Recorder, no previous application for an eavesdropping order for this person, facility or location, has heretofore been made by your deponent.

WHEREFORE, the undersigned respectfully prays that the order be signed in the form annexed hereto.

DATED: Bronx, New York
April , 1974.

MARIO MEROLA

Sworn to before me this
day of April, 1974.

-----X
In the Matter

of

the interception of telephonic communications
being transmitted over telephone line and
instrument bearing number 904-2007, listed
under the name of LOUIS EXPRESSO SHOP,
3916 DYRE AVENUE, the BRONX, and being used
by LOUIS VACCARELLI.

AFFIDAVIT

-----X
STATE OF NEW YORK)
) ss.:
COUNTY OF BRONX)

GEORGE R. NORDT, being duly sworn, hereby deposes and says:

I am a police officer in the New York City Police Department,
assigned to the Bronx Public Morals Division, and I submit this affidavit in
support of the application of Mario Merola, District Attorney of Bronx County,
for an eavesdropping order for the telephone line and instrument captioned
above and described hereinafter.

During the course of my eleven and one-half (11 ½) years as a New
York City police officer, I have had occasion to acquire expertise in the
functionings, habits, and practices of illegal gambling operations and of persons
involved therein. Specifically, during my career as a police officer I have
assisted in some seventy-five (75) gambling arrests. During the past two and
one-half (2½) years I have been assigned to the Public Morals Division whose
job it is among other things, to enforce the gambling laws, and, in connection
with which, I have received training in gambling activities. During the past
year and one half (1½) I have been assigned exclusively to gambling law enforce-
ment. During the period I have been assigned to the Public Morals Division, I
have made seven (7) felony gambling arrests, all of which have resulted in con-
victions.

Since October of 1973, my brother officers in the Public Morals
Division and I have been conducting an investigation of illegal gambling activities
in Bronx County. Court authorized wiretaps have been previously utilized during

the course of this investigation, although not for the person, place or facility which is the subject of this investigation. As the result of this electronic eavesdropping, three telephone calls were intercepted to telephone number 994-2007 on January 30, January 31, and February 2, 1974, respectively. Copies of the transcripts of these conversations are attached hereto as People's exhibit "A" in support of this application. In each conversation, an individual named "MIKE" called someone named "LOU" and discussed gambling business. Telephone company records indicate that the number 994-2007 is listed to LOUIS EXPRESSO SHOP, 3916 DYRE AVENUE, THE BRONX.

As the result of this investigation, my brother officers and I undertook observations of LOUIS EXPRESSO SHOP, as described hereinafter. I am informed by Police Officers Klippel, Starr, Sweeney, Parisi, Santiago, and Howard and Sergeant Costello that they made the observations attributed to them in the ensuing narrative:

On February 1, 1974 at approximately 2:25 P. M., your deponent observed one John Genco exit from a 1968 Black Oldsmobile bearing New York registration 666 YX1 registered to said John Genco. Said John Genco entered the premises at 3916 Dyre Avenue, remained about two minutes, and left the area in the aforementioned vehicle. Between about 2:30 - 3:00 P. M. four white males, identities unknown to your deponent, entered said premises at different times, each exiting within approximately one minute, thereafter leaving the scene.

On February 7, 1974 at about 1:05 P. M., Police Officer Klippel observed one Albert Landi walking towards and entering LOUIS EXPRESSO SHOP, hereinafter referred to as "LOU'S", after parking his 1974 Blue Cadillac, bearing New York registration 251 XES in the parking lot of Tucci's Restaurant on East 233rd Street and Dyre Avenue. At about 1:25 P. M. one Michael Ruggiero drove up, entered "LOU'S", and exited after about five (5) minutes at 1:30. At about 1:50 P. M. one Frank Mascia a/k/a Tippy entered "LOU'S". Mascia is identified as the same "TIPPY" who was involved in a conversation regarding horse bets intercepted pursuant to a Court Order on a different telephone than is the subject of this application. A copy of the conversation between Frank Mascia and one Michael Di Turi is annexed to this application as Exhibit "B". At 2:15 P. M. the aforementioned John Genco arrived, double-parked his auto outside of 3916 Dyre Avenue, and entered "LOU'S". Immediately after Genco entered, Landi came out of the location and waited for Genco to come out at 2:17 P. M. before reentering. At

about 2:22 P. M. Mascia exited location and left the area in an auto. At 2:40 P. M., Landi left the location and entered the bar of Tucci's Restaurant.

On February 12 at about 8:25 A. M. Police Officer Nordt observed Michael Di Tursi exit the location, thereafter enter his auto in Tucci's Parking Lot and drive off. At about 8:27 A. M. Landi exited said premises, entered his auto parked in Tucci's, and left as well. Landi was followed to Hillside Hardware Store, located at 213 Easton Road. Landi left said store at about 9:05 A. M.

On February 13 at about 7:40 A. M., one male white, known as LOUIS VACCARELLI entered a candy store at 3842 Dyre Avenue. Deponent went into said candy store about five (5) minutes after subject, and overheard conversation between subject and a man who works in store about sports and horse racing. Police Officer Klippel entered location five (5) minutes later and heard LOUIS VACCARELLI talking with a man who works in store about "the number".

At about 2:15 P. M. Police Officer Starr observed one Peter Fusco exit from "LOU'S" and leave the area in an auto. Peter Fusco is known to the Police Department by his arrest record, B # 464236 and KG (Known Gambler) # 4535. Fusco has, to date, seventeen (17) prior arrests for policy and bookmaking, including an arrest on June 20, 1973 during which he was found in possession of felony policy work, and One Thousand and Five Hundred Dollars (\$1,500) in cash. He is presently under indictment in Bronx County on a gambling charge. At about 2:25 P. M. Police Officer Parisi observed two male whites (identity unknown) exit 3916 Dyre Avenue (LOU'S). At about 2:30 Police Officer Parisi observed a man exit 3900 Dyre Avenue in what appeared to be a waiter's uniform (red and white striped shirt), and enter "LOU'S", for approximately one (1) minute, leaving thereafter. At about 2:35 P. M. LOUIS VACCARELLI (the alleged owner of LOU'S EXPRESSO SHOP) left 3916 DYRE AVENUE and secured the location with a padlock and met with Al Landi who had just arrive in the area. The two men reentered the premises for five (5) minutes, thereafter securing the location. Landi and VACCARELLI then entered 3900 Dyre Avenue (Tucci's Bar and Restaurant). At about 2:55 P. M. Sergeant Patrick Costello entered 3900 Dyre Avenue and observed VACCARELLI and Landi sitting at the bar in conversation. Sergeant Costello sat near the two parties at the bar and overheard the following partial conversation: (Previously mentioned waiter to Landi), "He would have hit for \$13,000". Landi replied, "Mike couldn't help it, he was told to close. He has to do what he is told".

Bar patron to VACCARELLI, "Give me \$2 on 652". VACCARELLI accepted \$2 in United States Currency from bar patron and went to the public telephone in the rear of premises and was heard by Sergeant Costello placing a wager given to him by bar patron over the phone, and then returning to the bar. Landi and VACCARELLI left the bar at 3:20 P. M.

On February 21, Police Officer Starr, while at the Bar and Grill at East 205th Street and Villa Avenue, observed a 1968 Oldsmobile (black) registration # 666 YXM registered to John Genco. Genco departed the auto and crossed to premises at 3133 Villa Avenue, remaining three to five minutes before leaving. A tail of John Genco from East 205th Street and Villa Avenue showed Genco stop at 3031 Holland Avenue, the residence of one Frank Gulla who is known by arrest number B 170213. Genco was followed to 3263 Rosewood Avenue, the Rosewood Luncheonette, where tail was discontinued. At about 2:10 P. M. Police Officer Starr observed the aforesaid Peter Fusco exit 3916 Dyre Avenue. At 2:30 P. M. John Genco entered said premises, remained for approximately thirty (30) seconds and left. One minute later Al Landi exited said location with LOUIS VACCARELLI, and after a brief conversation both men reentered the location. At about 2:45 P. M. Landi exited 3916 Dyre Avenue and entered Tucci's Bar and Grill at East 233rd Street and Dyre Avenue.

On Friday, February 22, 1974 at about 12:45 P. M. Police Officer Sweeney followed John Genco into Bufano's Grocery, 3153 Villa Avenue and overheard female employee say to Genco, "Are you going over to the bar"? Genco replied, "Yeh". She continued, "Good, tell them I have something for them - two days". At about 1:00 P. M. Genco left the grocery and walked to a Social Club at 3133 Villa Avenue and came out in thirty (30) seconds. He then recrossed 205th Street and entered Bar and Grill at 3150 Villa Avenue. This location, 3150 Villa Avenue, has ten (10) recent complaints in Bronx Public Morals Division files, alleging gambling and narcotics violations.

Between 1:15 P. M. and 1:55 P. M. Police Officer Klippel observed Genco leave 3031 Holland Avenue, the home of Frank Gulla, a known policy collector. At about 2:00 P. M. deponent followed and observed Genco leave 2727 Wallace Avenue, a location previously used by Anthony Accocella, (B # 756799), arrested at Rosewood, on June 20, 1973-with eight (8) other persons, charged with gambling. Between 2:02 and 2:05 P. M. Police Officer McGreevy observed Genco park his auto and enter 3263 White Plains Road, and enter the Rosewood Luncheonette. Police

Officer Klippel passing said location observed Robert D'Addario seated at the counter. Genco left within three (3) minutes. At about 2:10 P. M. Genco parked on 222nd Street and was observed by Police Officer Santiago at 2:12 P. M. leaving 2905 Carpenter Avenue, residence of Anthony Scocozza, arrest record B # 220298, a known policy collector who recently pleaded guilty to the crime of Bribery as an "E" felony in Bronx County. At 2:20 P. M. Genco was observed at 3916 Dyre Avenue.

Between 1:50 and 2:35 P. M. Police Officers Parisi and Sweeney observed Al Landi's 1974 Blue Cadillac, New York registration # 251 XES in Tucci's Parking Lot. At 2:05 P. M. the aforesaid Peter Fusco entered LOU'S and left within thirty (30) seconds in a Green Checker, New York registration # 655 XHH.

At about 2:21 P. M. Frank Mascia, A/k/a "TIPPY", arrest record # 240720 came out of "LOU'S" and into a 1966 Green Dodge, New York registration # 498 XHB. At 2:25 P. M. Genco left "LOU'S" and drove off.

On February 26, 1974 at about 1:30 P. M. a male white left a Maroon 1964 Ford New York registration # 376 TAD, entered 3916 Dyre Avenue (LOU'S") and left within one (1) minute. At 1:45 P. M. the aforesaid waiter from Tucci's Restaurant wearing a red and striped shirt entered LOU'S and left within one (1) minute. At 1:47 P. M. Frank Mascia a/k/a "TIPPY" exited a Green Dodge, Registration # 498 XHB, owned by Mascia, and entered 3916 Dyre Avenue. At 2:05 P. M. an unidentified male white entered "LOU'S" and left within one (1) minute, being picked up on Dyre Avenue by a 1974 Dodge, New York registration # 605 NRY, owned by a Fiore Mangano of Mount Vernon, New York. At 2:07 P. M. Peter Fusco entered "LOU'S". At 2:30 P. M. Mascia leaves "LOU'S". At 2:31 P. M. Fusco leaves location. At the same time John Genco enters the location and leaves in less than five (5) minutes. At about 2:36 P. M. Al Landi enters the location just as Genco was leaving. Between the hours of 2:37 P. M. and 3:00 P. M. Genco's auto was tailed to 213th Street between Carpenter Avenue and Bronx Boulevard. At about 2:55 P. M. Police Officers Parisi and Santiago observed one James Bruno drive up to same 213th Street location and park near Genco's auto. At 2:57 P. M. Genco left aforesaid location.

On Saturday, March 2nd, at about 9:30 A. M. Police Officer Klippel observed the aforesaid autos of Louis Vaccarelli and Al Landi park in the lot of Tucci's Restaurant. Both Landi and Vaccarelli were observed inside the location. At 1:58 P. M. Police Officers Santiago and Klippel observed an unknown male white in his forties enter location. Subject had previously been observed there.

as well. At 2:00 P. M. Frank Mascia approached "LOU'S" in his auto and entered premises on foot. At 2:10 P. M. Peter Fusco drove up to location and entered same. At 2:20 P. M. Frank Mascia left the location. At about the same time Fusco also left "LOU'S" with LOUIS VACCARELLI. VACCARELLI was carrying a large, brown paper bag, and went to the lot where his auto was parked (out of view of officers). VACCARELLI returned in one (1) minute without the bag. At 2:30 P. M. John Genco drove up and entered the location. At 3:30 P. M. officers Klippel and Santiago observed LOU'S EXPRESSO SHOP to be closed (padlocked) with the blinds down.

On Monday, March 11, 1974, Police Officers Santiago and Nordt observed 3916 Dyre Avenue premises to be locked and secured from 3:05 P. M. to 5:30 P. M. At about 3:10 P. M. Police Officer Parisi observed LOUIS VACCARELLI enter 3601 Barnes Avenue, a location known to be frequented by Frank Gulla, arrest record # B 17021 and Michael Gagliano, arrest record # 3589175.

On March 20, 1974, at about 2:05 P. M., Police Officer Parisi observed Peter Fusco enter 3916 Dyre Avenue, remain one (1) minute and leave. At 2:20 P. M. Frank Mascia entered 3916 Dyre Avenue. At 2:30 P. M. John Genco entered "LOU'S" and left within two (2) minutes. At 2:32 P. M. Frank Mascia left location.

On Monday, March 25, 1974, at about 1:40 P. M. Police Officers Parisi and Santiago observed Frank Gulla enter "LOU'S" and leave within five (5) minutes. At 1:50 P. M. Al Landi entered "LOU'S". At 2:05 P. M. Frank Mascia entered "LOU'S" and exited after fifteen (15) minutes. At 2:10 P. M. Peter Fusco entered "LOU'S" and left after about twenty (20) minutes. At 2:15 P. M. John Genco entered "LOU'S" and left after spending no longer than thirty (30) seconds in LOUIS EXPRESSO SHOP, 3916 Dyre Avenue.

On Wednesday, April 10, 1974, at 6:45 A. M. I observed the closed premises at 3916 Dyre Avenue, which is LOUIS EXPRESSO SHOP. At about 7:05 A. M. LOUIS VACCARELLI parked his automobile bearing New York registration number 297 XFY, and went into premises 3824 Dyre Avenue. At 7:22 A. M., VACCARELLI left that store, entered his automobile and drove into and parked in Tucci's Parking Lot, located at East 233rd Street and Dyre Avenue. Thereafter he walked across the street opened and entered 3916 DYRE AVENUE which is LOUIS EXPRESSO SHOP. At about 7:36 A. M. Mike Di Turi described in deponent's initial affidavit by Known Gambler (KG # 4080) drove into Tucci's Lot, parked his automobile and

entered "LOU'S" (3916 Dyre Avenue). Approximately 7:50 A. M., deponent observed Al Landi and another male, identity unknown, going into Tucci's Lot and then into 3916 Dyre Avenue. At 8:12 A. M. Landi and the unidentified male exited. At 8:20 A. M. Mike Di Turi left "LOU'S". At 10:25 A. M. deponent observed male, white, also unidentified (although previously observed at same location), enter "LOU'S", leaving four (4) minutes later and walking into a house on Dyre Avenue thereafter. At 11:45 A. M. deponent observed previously mentioned unidentified male enter "LOU'S". At 11:50 A. M. another male entered "LOU'S", exited at 12:02 P. M. and opened the next store at 3916½ Dyre Avenue. At 11:53 A. M. a white male about 5'7" tall (age 50-55) entered "LOU'S", stayed for two (2) minutes, and exited, returning to "LOU'S" at 12:10 P. M., and leaving three (3) minutes later, went into Tucci's, and returned to "LOU'S" at 12:12 P. M., staying for one (1) minute.

At 12:35 P. M. deponent observed white male 5'9" tall enter said location and leave at 12:43 P. M. At 1:15 P. M. the waiter left Tucci's and entered the said location. At 1:24 P. M. VACCARELLI went into the street and swept the pavement. At 1:32 P. M. Al Landi parked his automobile in Tucci's Lot and entered "LOU'S". At about 1:36 P. M. deponent observed a Blue Chevrolet, New York registration # 366 WPQ, parked opposite said location and a male white 5'8", stocky build, about 50 - 55 years of age exit from automobile and while crossing street took out a roll of bills (United States Currency) and counted same, while entering 3916 Dyre Avenue. The automobile is registered to one Mario Careccia, 4180 Barnes Avenue. At 1:45 P. M. the above described male left "LOU'S" and drove west on East 233rd Street.

At about 1:46 P. M. Frank Mascia (a/k/a "TIPPY") parked his automobile opposite said location, entered same, and stayed for four (4) minutes. At 2:14 P. M. deponent observed Peter Fusco, (KG # 4535), enter location and remain seven (7) minutes, before leaving. At 2:22 P. M. John Genco entered "LOU'S", remained for no longer than thirty (30) seconds and then exited.

Police Officer Maurice Howard of Bronx Public Morals Division began his observations at 2:30 P. M. At 2:45 P. M. he observed Al Landi leave "LOU'S" and enter Tucci's, stayed for three (3) minutes, thereafter returning to "LOU'S". At 2:58 P. M. Officer Howard observed LOUIS VACCARELLI leave location with a brown paper bag, walk to Tucci's Parking Lot and return to 3916 Dyre Avenue, two (2) minutes thereafter. At 4:00 P. M. Officer Howard discontinued his obser-

vations with Landi and LOUIS VACCARELLI still in the location.

Through the course of this investigation and based on my experience in gambling enforcement laws, I have drawn certain conclusions with respect to the premises at 3916 DYRE AVENUE. "LOU'S" is a location at which no legitimate business is being transacted. I have concluded this based upon a number of facts. For example, through the entire course of our observations there has never been a minimal flow of the public patronizing the premises. With the exception of a half-dozen unidentified males, the "patrons" of "LOU'S" include for the most part Michael Di Turi, John Genco, Peter Fusco, Frank Mascia, Al Landi, and Frank Gulla. Michael Di Turi is the owner of the premises at 3607 Bronxwood Avenue, the location of the arrest of Frank Caruso, on March 5, 1974, Gambling Indictment pending pursuant thereto, 819/74 in Bronx County. Approximately 1000 policy slips were found in Di Turi's store, located at 3607 Bronxwood Avenue, at that time. Michael Di Turi's arrest record (B # 466807 and KG # 4080), includes twenty-nine (29) prior arrests for Policy and Bookmaking from 1958 through 1971. In addition, the conversations intercepted pursuant to a Court authorized wiretap on a telephone not the subject of this application, and annexed to the original order on file with the Court, indicate that Michael Di Turi was discussing bookmaking and gambling with LOUIS VACCARELLI, using telephone instrument bearing number 994-2007, and located at "LOU'S", as recently as February, 1974.

John Genco, although unknown to this office, in the past has been observed in his automobile, making short stop-offs, for example on February 21st at the home of Frank Gulla, arrest # B 170213 (3031 Holland Avenue); then for thirty (30) seconds at "LOU'S". On February 22, Genco was overheard by officers having a discussion with a woman in a grocery store regarding two (2) days work for the people over at the bar. Shortly thereafter, Genco went to a Social Club on Villa Avenue, remaining for thirty (30) seconds, and then to a bar and grill at 3150 Villa Avenue. The latter location has been the subject of recent complaints made with Bronx Public Morals Division, alleging gambling and narcotics violations.

Later in the day, Genco went to a location on Wallace Avenue, known to be used by one Anthony Accocella (known by arrest record # B 756799), thereafter proceeding to the Rosewood Luncheonette, remaining for three (3) minutes, then leaving. At about 2:10 P. M. Genco stopped at 3905 Carpenter Avenue, the

residence of one Anthony Scocozza, (arrest record # B 220298), before returning to "LOU'S". On February 26, Genco was seen leaving "LOU'S" after spending five (5) minutes inside, again at approximately 2:30 P. M., with Genco then proceeding to 213th Street, the rear entrance to Barnes Avenue, the grocery store of one Leo Ferranda. The aforesaid, Accocella and Scocozza each have a number of gambling arrests, and are well known to the police for their involvement in gambling activities in Bronx County. Finally, John Genco, was observed at "LOU'S" on March 20th and March 25th, again spending five (5) minutes and thirty (30) seconds in the premises, on the respective days.

In addition to Genco, Peter Fusco, arrest record # B 64230, KC # 4515, would come to "LOU'S" consistently about 2:00 P. M. each day, remain in the premises for periods as brief as one (1) minute and at times as long as twenty (20) minutes. Fusco has seventeen (17) prior arrests for policy and bookmaking including an arrest as recent as June 20, 1973, for which he is under indictment in Bronx County for Possessing Felony Volume Policy Works and One Thousand and Five Hundred Dollars (\$1,500.00) in cash.

Another frequent "patron" of "LOU'S" is Frank Mascia, a/k/a "TIPPY". Mascia is known to your deponent by arrest record # B 240720, with numerous gambling activities in his background. Furthermore, Mascia was recorded on a number of occasions discussing illegal gambling activities with the aforesaid Mike Di Turci. said interception pursuant to a Court-authorized wiretap (a copy of a conversation between Di Turci and Mascia is annexed to deponent's original affidavit on file with this Court). On a number of occasions, as heretofore described Mascia was observed entering "LOU'S" at approximately 2:00 P. M. and leaving within ten (10) to twenty (20) minutes.

One Albert Landi was also frequently seen in "LOU'S" by your deponent. Landi is known to be one of the more prominent members of the gambling combine in Bronx County. He is known to the police by arrest # B 675595, with previous arrests for gambling and loansharking activities. On February 12, Landi was overheard by Sergeant Patrick Costello of Bronx Public Morals Division discussing Thirteen Thousand Dollars (\$13,000.00) in apparent betting monies, with the previously described waiter, while Landi sat at the Bar in Tucci's Bar and Grill on Dyre Avenue with LOUIS VACCARELLI. VACCARELLI was heard and observed accepting

a two-dollar wager from a patron, after which Costello heard VACCARELLI place the wager over the telephone in the rear of Tucci's. Thereafter VACCARELLI and Landi left the bar together.

Finally, Frank Gulla previously identified by arrest record # B 170-213, is known to police via his previous criminal activities to be a policy collector. John Genco has been observed entering and leaving Gulla's residence at 3031 Holland Avenue on several occasions. In addition, Gulla has been seen at Farranda's Grocery Store at 3601 Barnes Avenue on a number of different occasions. On March 25, Gulla was observed entering "LOU'S", remaining for five (5) minutes before exiting. At about the same time that Al Landi was entering said premises. Again, these activities were monitored at about 1:50 P. M., the significance of which will be set forth hereinafter.

Apart from the afore-described individuals, each of whom we know to have been involved with illegal gambling activities, and some with extensive conflicts with the law regarding gambling and gambling related activities, there has never been a time during the course of your Dependent's observations that any women or couple's entered "LOU'S". In fact, there were never any deliveries of goods, produce or materials to the location. At varying intervals your Dependent and his brother officers would approach the location at a time when it was padlocked, and peer into the premises. There are no chairs or tables in the front of the shop at which to sit and drink espresso, coffee or cake. There appears to be only a counter top without seats inside the premises. The store appears to be vacant, except for the counter, having no facilities to serve customers, as would be consistent with an espresso shop or cafe. During the course of our observations no employees were ever present in the shop. Throughout the observation periods no boxes, crates or large boxes were delivered to the shop from the time the shop opened in the morning till closing time in the afternoon. Additionally, the shop has consistently been closed and padlocked after 3:30 P. M. or 4:00 P. M., but on rare occasions remains open until 5:00 P. M. Our observations again indicate that the location has not been open in the evenings at any time.

In conjunction with our observations I have compiled the information made available through the use of the Court-authorized Dial Impulse Recorder, attached to the telephone instrument which is the subject of this application, effective for the period April 4, 1974 through April 13, 1974. However, the

device was not installed until late afternoon on Monday, April 8 and did not begin intercepting the telephone numbers of outgoing calls and the volume of incoming calls until Tuesday, April 9th.

On Tuesday, April 9, 1974, a total of twenty (20) incoming calls were received and fourteen (14) outgoing calls were made. Eight (8) calls were made to telephone number 798-5522, listed to the address of 3601 Barnes Avenue, a grocery owned and operated by the aforesaid Leo Farranda. All of these calls were made between the hours of 12:08 P. M. and 1:24 P. M. In addition, three (3) calls were made to telephone number 547-8607, listed to the address of 3607 Bronxwood Avenue, the shop of the heretofore described Mike Di Turi. Two (2) of these calls were made between 12:30 P. M. and 1:15 P. M.

On Wednesday, April 10, 1974, twenty-two (22) outgoing calls were made and twenty-three (23) incoming calls were received. Included therein were eleven (11) calls to Farranda's Grocery, phone number 798-5522, and two (2) to Di Turi at phone number 547-8607. Of the eleven (11) calls to the "Grocery", ten (10) were registered between 12:10 P. M. and 2:05 P. M. Furthermore, one (1) call was placed to telephone number 792-8809, the home of Albert Landi, (described heretofore), and one (1) to the home of James Musantry, phone number 863-4991. Musantry was arrested for gambling with VACCARELLI IN 1968.

On Thursday, April 11, 1974, forty-two (42) outgoing calls were made, and seventeen (17) calls were received. Included in these outgoing calls were thirteen (13) calls to Mike Di Turi and sixteen (16) to Farranda's Grocery. Fifteen (15) of the sixteen (16) calls were made between 12:46 and 2:46 P. M.

On Friday, April 12, 1974, twelve (12) incoming calls were received and thirteen (13) outgoing calls were made. Of these calls, one (1) call was made to Mike Di Turi, and seven (7) calls were made to Farranda's Grocery. Of the seven (7) calls, six (6) were made between 12:43 P. M. and 3:45 P. M.

On Saturday, April 13, 1974, the final day of authorization for the Dial Impulse Recording Device, nineteen (19) incoming calls were received and nineteen (19) outgoing calls were made. Again, one (1) call was made to Mike Di Turi and seven (7) calls were made to Farranda's Grocery. Four (4) of the seven (7) calls were made between 11:15 A. M. and 12:46 P. M.

In total, ninety-three (93) incoming calls were received and one hundred (100) outgoing calls were made for the five (5) days, Tuesday, April 9th through Saturday, April 13th. For the five (5) day period, twenty (20) outgoing

calls were made to Di Turi's Shop at 3607 Bronxwood Avenue, and forty-nine (49) to Leo Farranda's Grocery at 3601 Barnes Avenue.

Your deponent, as an expert in the field of Criminal Gambling Law enforcement has made a number of conclusions regarding the results of the interception of the telephone numbers and the volume of calls described heretofore.

James Bruno is a known pick-up man for policy and betting plays in Bronx County. John Genco, although previously unknown to your deponent, has acted in a manner consistent with a major pick-up man, and in fact, one of the conversations overheard between Genco and a woman, indicate that Genco is involved in gambling activities. Genco and Bruno were observed meeting in the vicinity of Leo Farranda's Grocery on Barnes Avenue on a number of occasions. Bruno who arrives daily about 2:00 P. M. at Farranda's has been observed entering through 771 East 213th Street. There is a door which leads directly from that address into Farranda's Grocery. In addition, Frank Caruso, Al Landi, and other lesser known persons, known to be involved in Bronx gambling activities, have been observed in and around 3601 Barnes Avenue (Farranda's Grocery). Also on a number of evenings at 8:00 P. M., approximately, your deponent observed said Leo Farranda go to Di Turi's Store on Bronxwood Avenue and slip a large white envelope into the door of the then closed premises.

Based upon all of the information set forth in this affidavit, as well as deponent's previous affidavit, I conclude that LOUIS VACCARELLI is presently committing the crimes of Gambling and related offenses through the use of the Espresso Shop at 3916 Dyre Avenue. Furthermore, by the use of the telephone therein, bearing phone number 994-2007, VACCARELLI contacts persons at Mike Di Turi's (Bronxwood Avenue) and Leo Farranda's Grocery (Barnes Avenue) for the purpose of placing said bets. The first race at Aqueduct Race Track begins at 1:30 P. M. and that is therefore the time at which work in illegal gambling activity would be processed and picked-up, to be brought to what is referred to as the "BANK". It is between the hours of 1:30 P. M. and 2:30 P. M. that said "pick-up" men would be making their rounds. All of our information supports the fact that the heaviest volume of activity both on the telephone bearing number 994-2007, and at the Espresso Shop at 3916 Dyre Avenue, occurs at about 2:00 P. M. each day. With known gamblers like Di Turi, Fusco, Mascia, and Landi, frequently and often consistently running in and out of VACCARELLI'S SHOP, for often about

thirty (30) seconds or a minute, it is obvious that said location is being used as a drop-off point for horse and sports bets and possibly policy wagers as well. With voluminous calls being placed to a grocery store (Farranda's) each day, and most heavily just prior to 2:00 P. M., and based upon our limited observations of that grocery store, it is also apparent that said store is being used as a "wireroom" or latter drop-off for the bets placed by VACCARELLI, from the telephone in question. In fact, regarding the 3601 Barnes Avenue address, your deponent learned that on April 5th, 1974, a process server named Melvin Chambers, while serving a process at 771 East 213th Street, found a large white envelope in the hallway near the connecting door to 3601 Barnes Avenue. The envelope was torn and exposed from the opening were what appeared to him to be "policy slips". Chambers reported his findings to Lieutenant E. Donovan of the 47th Precinct, who examined the envelope and found it to contain approximately ten thousand (10,000) policy plays (MRHP), dated April 6, 1974. This discovery bolsters your deponent's belief that said grocery store is, in fact, what I expected it to be, namely a gambling room, be is a wireroom or large drop-off point.

I am convinced that LOUIS VACCARELLI is running a gambling drop-point, with no legitimate business being transacted therein. Having previously intercepted conversations involving said LOUIS VACCARELLI discussing placing wagers on horse races and sports bets (said conversations intercepted pursuant to a Court-authorized wiretap on a phone not the subject of this application), and having overheard VACCARELLI discussing a wager and placing same over the telephone at Tucci's Bar on Dyre Avenue, and observing known gamblers, pick-up men, running in and out of "LOU'S" daily, it is obvious that the telephone conversations which we seek to intercept from the telephone at LOUIS EXPRESSO SHOP, 3916 Dyre Avenue, bearing telephone number 994-2007, will reveal extensive illegal gambling activities. There is reasonable and probable cause to believe that LOUIS VACCARELLI has been, is and will continue to be engaged in committing the crimes of Gambling and Promoting Gambling. Accordingly, it is my experience that in order to secure evidence of the criminal activity of all persons engaged in the aforementioned criminal transactions, conventional means of investigation will not prove useful. Indeed, such conventional means have been tried and have failed to find any evidence against persons in the higher echelons of the gambling combine in Onx County.

Because of the continuing nature of this criminal activity and the unknown number of people who may be involved , it is requested that the effective period of this order not be terminated upon the acquisition of a particular conversation, but that the warrant attached hereto remain in full force and effect until the expiration date thereof.

To the best of your deponent's information and belief none of the conversations sought to be intercepted are privileged. In the event that there are any such privileged communications transmitted over this telephone, they will not be monitored. Interception shall be conducted in such a way as to minimize interference with conversations not otherwise authorized to be intercepted.

Your deponent states that there is no prior application for the relief sought herein and that only the order for a Dial Impulse Recorder has been made before this Court and no other Court, Judge, or Justice.

WHEREFORE, the undersigned respectfully requests that the Court grant the within application.

DATED: Bronx, New York
April , 1974

GEORGE R. NORDT

Sworn to before me this
day of April, 1974

JUSTICE OF THE SUPREME COURT

-----X
In the Matter

of

AFFIDAVIT

Interception of the telephone numbers of outgoing calls from telephone bearing number 994-2007, listed under the name of LOUIS EXPRESSO SHOP, 3916 Dyre Avenue, the Bronx, and being used by LOUIS VACCARELLI.
-----X

STATE OF NEW YORK)
) ss.:
COUNTY OF BRONX)

MARIO MERCLA, being duly sworn, hereby deposes and says:

I am the District Attorney of Bronx County, and I make this application for a Dial Impulse Recording Device warrant under the authority granted to me by Criminal Procedure Law Sections 700.5(5) and 700.10(1). The following allegations are upon information and belief, and the sources of my information and grounds for my belief are the investigation and reports of Police Officers George Nordt, John Starr, Joan Klippel, Angelo Santiago, William McGreevy, Maurice Howard, Angelo Parisi, and Sgt. Patrick Costello, assigned to Bronx Public Nodals Division, Module #10 of OCCB.

Louis Vaccarelli is under investigation by my office for the offense of Gambling, Promoting Gambling and related activities, and I believe that an order for a Dial Impulse Recording Device should be issued in connection with the activities described hereinafter in the affidavit of Police Officer George Nordt, for the purpose of ascertaining the telephone digit numbers of outgoing calls, and the volume (number) of incoming calls from a telephone device number 994-2007, listed under the name of Louis Expresso Shop.

Pursuant to a court ordered eavesdropping device being employed at a location, separate and apart from the locations mentioned in this application, telephone communications between one Michael DiTuri and Louis Vaccarelli were intercepted in which those parties discussed gambling activities including the taking of bets on sports events, horse races and numbers. No less than three of these conversations occurred with Louis Vaccarelli speaking on the telephone device which is the subject of this application, namely 994-2007, listed to Louis Expresso Shop (copies of these conversations are annexed to this application as Exhibit "A").

I have read the affidavit of Police Officer George Nordt regarding his brother officers' observations as well as his own, annexed hereto and made a part of this application. To my knowledge, information, and belief, all of the matters set forth therein are truthful and accurate.

Accordingly, your deponent asserts that there is reasonable and probable cause to believe that the crimes of Gambling, Promoting Gambling and Conspiracy are being committed by Louis Vaccarelli and other individuals, as yet unknown, and as more particularly described in the affidavit of Police Officer George Nordt.

Furthermore, based upon all information made available to me, I assert that there is reasonable and probable cause to believe that the interception of Dial Impulses, leading to the ascertaining of the digits (numbers) of outgoing calls, as well as the volume of incoming calls via a Dial Impulse Recording Device on telephone line and number 994-2007 will aid in obtaining evidence of the aforementioned crimes.

The numbers to be intercepted will likely show a pattern consistent with gambling activity, and should include the telephone numbers of known gamblers, and parties observed by the officers in the premises in question.

The location of the placement of the Dial Impulse Recording Device is LOUIS EXPRESSO SHOP, 3916 Dyre Avenue, the Bronx. The aforementioned location bears number 994-2007.

Since no conversations can be intercepted through the implementation of this device, no legally privileged communication is in jeopardy.

Normal investigative procedures have been tried and failed to obtain the evidence sought, as demonstrated factually by the affidavit of George Nordt, annexed hereto.

The Dial Impulse Recording Device is required to be maintained for a period of seven (7) days commencing April , 1974.

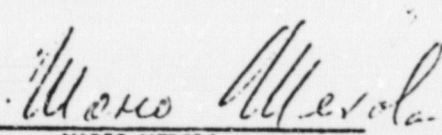
No previous application for a Dial Impulse Recording Device for this person, facility or place has heretofore been made by your deponent.

WHEREFORE, the undersigned respectfully prays that an order for the Dial Impulse Recording Device be issued and that the order be signed in the form annexed.

DATED: Bronx, New York
April , 1974

Sworn to before me this
day of April, 1974

142


MARIO MEROLA

-----X
In the Matter
of

AFFIDAVIT

Interception of the telephone numbers of outgoing calls from telephone bearing number 994-2007, listed under the name of LOUIS EXPRESSO SHOP, 3916 Dyre Avenue, the Bronx, and being used by LOUIS VACCARELLI.
-----X

GEORGE R. NORDT, being duly sworn, hereby deposes and says:

I am a Police Officer in the New York City Police Department assigned to the Public Morals Division, and I submit this affidavit in support of the application of Mario Merola, District Attorney of Bronx County, for an order permitting the attachment of a Dial Impulse Recorder, which would monitor the digits (telephone numbers) of outgoing calls and the number (quantity) of incoming calls for the telephone instrument captioned above and described hereinafter. I have been with the Police Department for 11 1/2 years. For the past 2 1/2 years I have been assigned to the Public Morals Division (PMD), and more specifically 1 1/2 years on the gambling activity. During the course of my career I have assisted in 75 gambling arrests, and in the past 2 1/2 years have made seven (7) felony gambling arrests, all of which resulted in convictions. In addition, through the course of my experience, I have made countless observations, and surveillances in gambling and gambling related cases, and have an in-depth working knowledge of the habits, practices and functioning of individuals, involved in gambling activities.

My brother officers and myself have been making observations of various activities as hereinafter described. During the course of my investigation, on February 1, 1974 at approximately 2:25 P.M., your deponent observed one John Genco exit from a 1968 Black Oldsmobile bearing New York registration 666YXM registered to said John Genco. Said John Genco entered the premises at 3916 Dyre Avenue, remained about two minutes, and left the area in the aforementioned vehicle. Between about 2:30-3:00 P.M. four white males, identities unknown to your deponent, entered said premises at different times, each exiting within approximately one minute, thereafter leaving the scene.

On February 7, 1974 at about 1:05 P.M., P.O. Klippel observed one Albert Landi walking towards and entering LOUIS EXPRESSO CAFE, hereinafter referred to as "LOU'S", after parking his 1974 Blue Cadillac, bearing New York registration 251XES in the parking lot of Tucci's Restaurant on East 233rd Street and Dyre Avenue. At about 1:25 P.M. one Michael Ruggiero drove up, entered "LOU'S", and exited after about 5 minutes at 1:30. At about 1:50 P.M. one Frank Mascia a/k/a Tippy entered "LOU'S". Mascia is identified as the same "Tippy" who was involved in a conversation regarding horse bets intercepted pursuant to a court order on a different telephone than is the subject of this application. A copy of the conversation between Frank Mascia and one Michael DiTuri is annexed to this application as Exhibit #B. At 2:15 P.M. the aforementioned John Genco, double-parked his auto outside of 3916 Dyre Avenue, and entered "LOU'S". Immediately after Genco entered, Landi came out of the location and waited for Genco to come out at 2:17 P.M. before reentering. At about 2:22 P.M. Mascia exited location and left the area in an auto. At 2:40, Landi left the location and entered the bar of Tucci's Restaurant.

On February 12, at about 8:25 A.M. Police Officer Nordt observed Michael DiTuri exit the location, thereafter enter his auto in Tucci's parking lot and drive off. At about 8:27 A.M. Landi exited said premises, entered his auto parked in Tucci's, and he left as well. Landi was followed to Hillside Hardware Store, located at 3453 Boston Road. Landi left said store at about 9:05 A.M.

On February 13, at about 7:40 A.M., one male white, known as LOUIS VACCARELLI entered a candy store at 3842 Dyre Avenue. Deponent went into said candy store about five minutes after subject, and overheard conversation between subject and a man who works in store about sports and horse racing. Police Officer Klippel entered location five minutes later and heard LOUIS VACCARELLI talking with a man who works in store about "the number".

At about 2:15 P.M. Police Officer Starr observed one Peter Fusco exit from "LOU'S" and leave the area in an auto. Peter Fusco is known to the Police Department by his arrest record, #B464236 and KG (Known Gambler) #4535. Fusco has, to date, 17 prior arrests for policy and bookmaking, including an arrest on June 20, 1973 during which he was found in possession of felony policy work, and \$1,500 incash. He is presently under indictment in Bronx County on a gambling charge. At about 2:25 P.M. Police Officer Parisi observed two male

whites (identity unknown) exit 3916 Dyre Avenue (LOU'S). At about 2:30 Police Officer Parisi observed a man exit 3900 Dyre Avenue in what appeared to be a waiter's uniform (red & white striped shirt), and enter "LOU'S", for approximately 1 minute, leaving thereafter. At about 2:35 P.M. LOU VACCARELLI (the alleged owner of LOU'S EXPRESSO CAFE) left 3916 Dyre Avenue and secured the location with a padlock and met with Al Landi who had just arrived in the area. The two men reentered the premises for 5 minutes, thereafter securing the location. Landi and Vaccarelli then entered 3900 Dyre Avenue (Tucci's Bar & Restaurant). At about 2:55 P.M. Sgt. Patrick Costello entered 3900 Dyre Avenue and observed Vaccarelli and Landi sitting at the bar in conversation. Sgt. Costello sat near the two parties at the bar and overheard the following partial conversation: (Previously mentioned waiter, to Landi), "He would have hit for \$13,000". Landi replied, "Mike couldn't help it, he was told to close. He has to do what he is told". Bar patron to VACCARELLI, "Give me \$2 on 652". VACCARELLI accepted \$2 U.S. Currency from bar patron and went to the public telephone in the rear of premises and was heard by Sgt. Costello placing a wager given to him by bar patron over the phone, and then returning to the bar. Landi and VACCARELLI left the bar at 3:20 P.M.

On February 21, Police Officer Starr, while at the bar and grill at East 205th Street and Villa Avenue, observed a 1968 Oldsmobile (black) registration ~~666~~YXM registered to John Genco. Genco departed the auto and crossed to premises at 3133 Villa Avenue, remaining 3-5 minutes before leaving. A tail of John Genco from East 205th Street and Villa Avenue showed Genco stop at 3031 Holland Avenue, the residence of one Frank Galla who is known by arrest number B170213. Genco was followed to 3263 Rosewood Avenue, the Rosewood Luncheonette, where tail was discontinued. At about 2:10 P.M. Police Officer Starr observed the aforesaid Peter Fusco exit 3916 Dyre Avenue. At 2:20 P.M. John Genco entered said premises, remained for approximately 30 seconds and left. One minute later Al Landi exited said location with LOUIS VACCARELLI, and after a brief conversation both men reentered the location. At about 2:45 P.M. Landi exited 3916 Dyre Avenue and entered Tucci's Bar & Grill at East 233rd Street and Dyre Avenue.

On Friday, February 22, 1974 at about 12:45 P.M. Police Officer Sweeney followed John Genco into Bufano's Grocery, 3153 Villa Avenue and overheard female employee say to Genco, "Are you going over to the bar"? Genco replied, "Yeh". She continued, "Good, tell them I have something for them - 2 days". At about 1 P.M. Genco left the grocery and walked to a Social Club at 3133 Villa Avenue and came out in 30 seconds. He then recrossed 205th Street and entered Bar & Grill at 3150 Villa Avenue. This location, 3150 Villa Avenue, has ten recent complaints in Bronx Public Morals Division files, alleging gambling and narcotics violations.

Between 1:15 P.M. and 1:55 P.M. Police Officer Klippel observed Genco leave 3031 Holland Avenue, the home of Frank Gulla, a known policy collector. At about 2 P.M. deponent followed and observed Genco leave 2727 Wallace Avenue, a location previously used by Anthony Accocella, (B#756799), arrested at Rosewood Luncheonette on June 20, 1973 with eight (8) other persons, charged with gambling. Between 2:02 & 2:05 P.M. Police Officer McGreevy observed Genco park his auto and enter 3263 White Plains Road, and enter the Rosewood Luncheonette. Police Officer Klippel passing said location observed Robert D'Addario seated at the counter. Genco left within 3 minutes. At about 2:10 P.M. Genco parked on 222nd Street and was observed by Police Officer Santiago at 2:12 P.M. leaving 3905 Carpenter Avenue, residence of Anthony Scocozza, arrest record #B220298, a known policy collector who recently pleaded guilty to the crime of Bribery as an "E" felony, in Bronx County. At 2:20 P.M. Genco was observed at 3916 Dyre Avenue.

Between 1:50 & 2:35 P.M. Police Officers Parisi and Sweeney observed Al Landi's 1974 Blue Cadillac New York registration 251XES in Tucci's parking lot. At 2:05 the aforesaid Peter Fusco entered Lou's and left within 30 seconds in a Green Checker, New York registration 655XHH.

At about 2:21 P.M., Frank Mascia, a/k/a "Tippy", arrest record #240720 came out of Lou's and into a 1966 Green Dodge, New York registration 498XHB. At 2:25 Genco left Lou's and drove off.

On February 26, 1974 at about 1:30 P.M. a male white left a Maroon 1964 Ford New York registration 37STAD, entered 3916 Dyre Avenue (Lou's) and left within 1 minute. At 1:45 P.M. the aforesaid waiter from Tucci's Restaurant wearing red & white striped shirt entered Lou's and left within 1 minute. At 1:47 P.M. Frank Mascia a/k/a "Tippy" exited a Green Dodge, registration #498XHB,

owned by Mascia, and entered 3916 Dyre Avenue. At 2:05 P.M., an unidentified male white entered Lou's and left within 1 minute, being picked up on Dyre Avenue by a 1974 Dodge, New York registration 605NRY, owned by a Fiore Mangano of Mt. Vernon, New York. At 2:07 P.M. Peter Fusco entered Lou's. At 2:30 P.M. Mascia leaves Lou's. At 2:31 P.M. Fusco leaves location. At the same time John Genco enters the location and leaves in less than 5 minutes. At about 2:36 Al Landi enters the location just as Genco was leaving. Between the hours of 2:37 & 3 P.M. Genco's auto was tailed to 213th Street between Carpenter Avenue and Bronx Boulevard. At about 2:55 P.M. Police Officers Parisi and Santiago observed one James Bruno drive up to same 213th Street location and park near Genco's auto. At 2:57 P.M. Genco left aforesaid location.

Saturday, March 2, at about 9:30 A.M. Police Officer Klippel observed the aforesaid autos of Louis Vaccarelli and Al Landi park in the lot of Tucci's Restaurant. Both Landi and Vaccarelli were observed inside the location. At 1:58 Police Officers Santiago and Klippel observed an unknown M/W/40's enter location. Subject had previously been observed therein as well. At 2 P.M. Frank Mascia approached Lou's in his auto and entered premises on foot. At 2:10 P.M. Peter Fusco drove up to location and entered same. At 2:20 Frank Mascia left the location. At about the same time Fusco also left Lou's with Louis Vaccarelli. Vaccarelli was carrying a large, brown paper bag, and went to lot where his auto was parked (out of view of officers). Vaccarelli returned in one minute without the bag. At 2:30 John Genco drove up and entered the location. At 3:30 officers Klippel and Santiago observed Lou's Espresso Shop to be closed (padlocked) with the blinds down.

On Monday, March 11, 1974, Police Officers Santiago and Nordt observed 3916 Dyre Avenue premises to be locked and secured from 3:05 P.M. to 5:30 P.M. At about 3:10 P.M. Police Officer Parisi observed Louis Vaccarelli enter 3601 Barnes Avenue, a location known to be frequented by Frank Galla, arrest record #B170213, and Michael Gagliano, arrest record #3589175.

On March 20, 1974, at about 2:05 P.M., Police Officer Parisi observed Peter Fusco enter 3916 Dyre Avenue remain one minute and leave. At 2:20 P.M. Frank Mascia entered 3916 Dyre Avenue. At 2:30 P.M. John Genco entered Lou's and left within 2 minutes. At 2:32 Frank Mascia left location.

Monday, March 25, at about 1:40 P.M. Police Officers Parisi and Santiago observed Frank Gulla enter Lou's and leave within 5 minutes. At 1:50 P.M. Al Landi entered Lou's. At 2:05 P.M. Frank Mascia entered Lou's and exited after 15 minutes. At 2:10 P.M. Peter Fusco entered Lou's and left after about 20 minutes. At 2:15 P.M. John Genco entered Lou's and left after spending no longer than 30 seconds in Louis Expresso Shop, 3916 Dyre Avenue.

Based upon my observations, and those of my brother officers, and the transcripts of the communications legally intercepted pursuant to a court order, as set forth herein, there is reasonable and probable cause to believe that Louis Vaccarelli has been, is, and will continue to be engaged in committing the crimes of Gambling and Promoting Gambling.

It is further apparent that since the premises in question is an Expresso Shop, which through the course of our investigation we have never observed being open to the public, and at which we have observed the aforesaid parties consistently enter and leave in as short a period of time as 30 seconds or 1 minute, and the fact that most of the aforesaid parties have extensive criminal records involving gambling and gambling related activities, in my opinion as an expert in the field of police investigation of gambling activities, there is no other possible method available to obtain the evidence sought herein than to obtain a court order for a Dial Impulse Recorder. It is also my conclusion that the telephone which is the subject of this application must necessarily be used to promote and carry on the activities heretofore described.

Because of the continuing nature of this criminal activity and the unknown number of people who may be involved, it is requested that the effective period of this order not be terminated upon the acquisition of a particular conversation but that the warrant attached hereto remain in full force and effect until the expiration date thereof.

To the best of your deponent's information and belief, none of the information sought can be privileged since no conversations will be intercepted. Furthermore, since no conversations are to be monitored, there are no means or necessity to minimize the materials sought herein.

Your deponent further states that no application for the relief sought herein has been made before any other Court, Judge or Justice.

WHEREFORE, the undersigned respectfully requests that the Court grant the application contained herein.

DATED: BRONX, NEW YORK
April , 1974

GEORGE R. NORDT

Sworn to before me this
day of April, 1974

JUSTICE OF THE SUPREME COURT

-X

In the Matter
of

AFFIDAVIT

interception of telephone numbers of outgoing
calls from telephone instrument bearing number
994-2007, listed under the name of LOUIS ESPRESSO
SHOP, 3916 DYRE AVENUE, the BRONX, and being used
by LOUIS VACCARELLI.

-X

STATE OF NEW YORK }
COUNTY OF BRONX } ss.:

STEVEN K. FRANKEL, being duly sworn, hereby deposes
and says:

I am an Assistant District Attorney in Bronx County,
and I make this application for a time extension of this Court's
order, dated the 4th day of April, 1974, authorizing that a Dial
Impulse Recording Device be installed in telephone bearing number
994-2007, listed under the name of LOUIS ESPRESSO SHOP, and located
at 3916 DYRE AVENUE, the Bronx,

An April 4th, 1974, the Honorable Justice Alexander
Chananau signed the order authorizing the installment of the
aforesaid device on the telephone instrument which is the subject
of this instant application. Police Officer George R. Nordt,
assigned to the Bronx Public Morals Division, left my office on
April 4th, 1974, and informs me that the telephone company refused
to give him the necessary information to aid the attaching of the
device, unless and until supplied with a subpoena duces tecum. I
spoke with the legal department at the telephone company and
determined what would be required to satisfy their wishes. On
April 5th, 1974, I prepared a Grand Jury subpoena duces tecum, and
sent officer Nordt to the telephone company office. They informed
him that they informed him that they would not have their men
working overtime (nights), and that installation would have to
wait for Saturday, April 6th. However, after conferring with
Officer Nordt and Lieutenant Edward Paganucci, at Bronx Public
Morals Division, who informed me that a number of more experienced

members of their unit advised against installing the device on a Saturday or Sunday, it became necessary to delay installation until Monday, April 8th, 1974.

The men of the telephone company and Public Morals Division agreed that since little or no repair work is authorized on Saturdays, and that only emergency repair work is done on Sundays, too great a risk would be taken if the parties installing the device were to work in other than the ordinary patterns of telephone company employees. Therefore, the Dial Impulse Recording Device was ultimately installed on Monday, April 8, 1974, sometime shortly before 4:00 P.M., which is the latest authorized time for monitoring. Hence, thus far only Tuesday, April 9th, and today, Wednesday, April 10th, have proven fruitful in the gathering of the telephone numbers of outgoing calls and the volume of incoming calls from the telephone instrument which is the subject of this application. Thus far, I am informed that yesterday, April 9th, there were twenty (20) incoming calls to said telephone instrument and fourteen (14) outgoing calls, including eight (8) calls to one Leo Farranda, known to officers as a gambler. Thus far today, by 11:25 A.M. there have been four (4) incoming calls, and five (5) outgoing calls. It will be necessary to continue this monitoring in order to show the patterns which we believe are consistent with the crimes described in the application to this Court made on April 4th, 1974. Since the order of the same date is set to expire at 4:00 P.M. today, April 10th, it is crucial that an extension be granted to run until and including Saturday April 13th, 1974, so that the time period, seven (7) days, for monitoring the incoming and outgoing calls be completed.

WHEREFORE, the undersigned respectfully prays that an order extending the authorized period for monitoring telephone numbers through the Dial Impulse Recorder be issued and become effective on the 10th day of April, through the 13th day of April, 1974.

DATED: Bronx, New York
April 10th, 1974

Sworn to before me this
10th day of April, 1974

STEVEN K. FRANKEL

-----X
In the Matter

of

ORDER

interception of telephonic communications being
transmitted over telephone line and instrument
bearing number 798-5522, listed under the name
of LEO FARANDA GROCERIES, INC., 3601 BARNES AVENUE,
the BRONX, and being used by LEO FARANDA.

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IT APPEARING, from the affidavits of Mario Merola, District Attorney
of Bronx County and Police Officer George R. Nordt, assigned to the Bronx Public
Morals Division, duly sworn on the day of June, 1974, that: there are
reasonable and probable grounds to believe that evidence of violations of the
Gambling Laws of the State of New York (Article 225, Penal Law) may be obtained
by intercepting telephonic communications being transmitted over telephone line
and instrument bearing number 798-5522, listed under the name of LEO FARANDA
GROCERIES, INC., located at 3601 BARNES AVENUE, the BRONX, and being used by
LEO FARANDA, and the Court being duly satisfied as to the existence of said
reasonable grounds and that the ends of justice will be served by authorizing
the interception of said communications, and the Court being satisfied that the
desired information cannot be procured in any other way, and there being nothing
to indicate that the conversations are in any way privileged, it is

ORDERED, that the District Attorney of Bronx County, or any of his
duly authorized agents, or any Police Officer acting under his direction, be
and hereby is authorized and empowered to intercept any and all telephonic
communications being transmitted over the said telephone line, to cut, break,
tap and make connections with wires leading to and from the said telephone
instrument which may be reasonable for that purpose and to do all things necessary
to permit communications over said telephone instrument to be intercepted for
the purpose of obtaining evidence of the violation of the Gambling Laws of the
State of New York (Article 225 Penal Law), and it is further

ORDERED, that the conversations to be intercepted will be those of
LEO FARANDA, and other unidentified parties relating specifically to illegal
bets on horse racing, sports betting and policy and conspiracy to commit the
crimes of Gambling, Promoting Gambling and related activity, and it is further

ORDERED, that because of the exigent circumstances described in the supporting affidavits, no prior notice of such telephone interceptions need be given to the named subscriber of said telephone instrument, and it is further

ORDERED, that if and when the information desired is procured, that a return, stating the information received be brought before the Court at the Courthouse, 851 Grand Concourse, Bronx County, and it is further

ORDERED, that the effective period of this order is not to be terminated upon the acquisition of a particular conversation, but it is to continue up to and including the expiration date as hereinafter set forth, and it is further

ORDERED, that the authorization to intercept shall be executed as soon as is practicable and shall be conducted in such a manner as to minimize the interception of communications not otherwise subject to eavesdropping under the Criminal Procedure Law of the State of New York, and it is further

ORDERED, that this Order shall be effective until and including the day of June, 1974, between the hours of and for each day during which this order is in effect.

DATED: Bronx, New York
June 17, 1974

Thomas Hughes

JUSTICE OF THE SUPREME COURT

-----X
In the Matter

AFFIDAVIT

of

interception of telephonic communications being transmitted over telephone line and instrument bearing number 798-5522, listed under the name of LEO FARANDA GROCERIES, INC., 3601 BARNES AVENUE, the BRONX, and being used by LEO FARANDA.
-----X

STATE OF NEW YORK)
) ss.:
COUNTY OF BRONX)

MARIO MEROLA, being duly sworn, hereby deposes and says:

I am the District Attorney of Bronx County, and I hereby make this application for an eavesdropping warrant under the authority granted to me by the Criminal Procedure Law Section 700.5 (5) and Section 700.10 (1). The following allegations are upon information and belief, and the sources of my information and grounds for my belief are the investigations and reports of Police Officer George R. Nordt, New York City Police Department, assigned to the Bronx Public Morals Division.

LEO FARANDA, is under investigation by my office for the offense of Gambling, Promoting Gambling and related activities and I believe that an eavesdropping order should be issued in connection with LEO FARANDA'S activities in relation to these offenses, so that his communications relating thereto may be intercepted.

I have been informed by Police Officer George R. Nordt, that LEO FARANDA is using a telephone instrument bearing number 798-5522, to aid him in committing the crimes of Gambling and Promoting Gambling.

I have read the affidavit of Police Officer George R. Nordt, annexed hereto and made part of this application, and to my knowledge and information and belief, all of the matters set forth therein are truthful and accurate.

Accordingly, your deponent asserts that there is reasonable and probable cause to believe that the crimes of Gambling and Promoting Gambling are being committed by LEO FARANDA and other individuals, some identified and others yet unknown, as more specifically described in the affidavit of Police Officer Nordt.

Additionally, based upon all of the information provided by other Police Officers, members of the Public Morals Division, who were assigned to this investigation, I assert that there is reasonable and probable cause to believe that the interception of communications by the installation of an electronic eavesdropping device on telephone line and instrument bearing number 798-5522 will enable evidence of the aforesaid crimes to be obtained.

The conversations sought to be intercepted will relate to the accepting of bets on sports events, horse racing as well as policy. In line therewith these conversations will reveal the locations of pick-up and drop-off points for the wagers, money and gambling records, and other contraband involved with the commission of the aforesaid crimes, as well as the identities of many participants in the chain who collect and distribute gambling records and policy slips and the monies collected and paid out by the participants in the furtherance of committing said crimes.

The place from which the communications are to be intercepted is LEO FARANDA GROCERIES, INC., 3601 BARNES AVENUE, the BRONX. The aforementioned telephone line and instrument bearing number 798-5522, is a telephone located in the rear of said LEO FARANDA GROCERIES, INC.

The statements to be intercepted are not otherwise legally privileged.

Normal investigative procedures have been tried and failed to obtain the evidence sought, as demonstrated factually by the affidavit of Police Officer George R. Nordt, annexed hereto.

The eavesdropping device is required to be maintained for a period of twenty (20) days commencing June , 1974.

No prior application for an eavesdropping order for this person, facility or location has heretofore been made by your deponent.

WHEREFORE, the undersigned respectfully prays that the order be signed in the form annexed hereto.

DATED: Bronx, N.Y.
June , 1974

MARIO MEROLA

Sworn to before me this
day of June, 1974.

-----X
In the Matter

AFFIDAVIT

of

interception of telephonic communications
being transmitted over telephone line and
instrument bearing number 798-5522, listed
under the name of LEO FARANDA GROCERIES,
INC., 3601 BARNES AVENUE, the BRONX, and
being used by LEO FARANDA.
-----X

STATE OF NEW YORK }
COUNTY OF BRONX } ss.:

GEORGE R. NORDT, being duly sworn, hereby deposes and
says:

I am a police officer in the New York City Police
Department, assigned to the Bronx Public Morals Division, and I
submit this affidavit in support of the application of Mario Merola,
District Attorney of Bronx County, for an eavesdropping order for
the telephone line and instrument captioned above and described
hereinafter.

During the course of my eleven and one-half (11 1/2)
years as a New York City police officer, I have had occasion to
acquire expertise, in the functionings, habits and practices of
illegal gambling operations and of persons involved therein.
Specifically, during my career as a police officer, I have assisted
in some seventy-five (75) gambling arrests. During the past two
and one-half (2 1/2) years I have been assigned to the Public Morals
Division, whose job it is among other things, to enforce the
gambling laws, and, in connection with which I have received train-
ing in gambling activities. During the time I have been assigned
to the Public Morals Division, I have made seven (7) felony
gambling arrests, all of which have resulted in convictions.

Since October of 1973, my brother officers in the
Public Morals Division and I have been conducting an investigation
into illegal gambling activities in Bronx County. Court authorized
wiretaps have previously been utilized during the course of this

investigation, although not for the person, place or facility which is the subject of this investigation. During the course of our investigation, through the application of Mario Merola, District Attorney of Bronx County, we installed a Court authorized eavesdropping device for telephone line and instrument bearing number 994-2007, listed under the name of LOUIS EXPRESSO SHCP, (hereinafter referred to as Lou's) 3916 DYRE AVENUE, the BRONX, and being used by LOUIS VACCARELLI. This Order was signed by Mr. Justice Chananau, Supreme Court, Bronx County, on the 22nd day of April, 1974, to be effective for a period of thirty (30) days, through the 21st day of May, 1974. (a copy of that order and application is annexed hereto as Exhibit "A").

During our monitoring of communications, over the aforesaid telephone device, the greatest number of intercepted communications were conversations between the target LOUIS VACCARELLI, and the subject of the instant application, LEO FARANDA. In all, there were sixty-seven (67) calls made from LEO FARANDA'S GROCERY (hereinafter referred to as LEO'S) to "LOU'S" via telephone instrument bearing number 798-5522 to 994-2007. Additionally, a total of two hundred and seventy-seven (277) calls were made from "LOU'S" to LEO'S. Hence, for the twenty-eight (28) days during which conversations were actually being monitored, three-hundred and forty-four (344) calls were made between LOU'S and LEO'S.

Appended to this application as Exhibit "B" are a total of eleven (11) intercepted and transcribed conversations occurring during the period from April 24th, 1974 through May 1st, 1974 between the aforesaid LOUIS VACCARELLI and a party known to your deponent to be LEO FARANDA, the owner of the premises which are the subject of this application. Furthermore, a party identified as "Johnny", is believed to be one Johnny who is employed by Faranda at the grocery store.

All of said conversations discussed either sports and/or horse-racing wagers, or policy bets and the "number". In addition to the aforesaid conversations and the quantum of intercepted communications, pursuant to the above-described eavesdropping order

at LOU'S which also discuss sports, horse-racing and policy bets, my brother officers and your deponent have, on a number of occasions, observed LEO FARANDA dropping off an envelope at the luncheonette of of one Mike Di Turi, at 3607 Bronxwood Avenue, The Bronx. Mike Di Turi is known to your deponent by arrest record #B466807, and known Gambler (KG) #4080. Di Turi has twenty-nine (29) prior arrests for policy and bookmaking, dating back to 1958. Furthermore, on April 24th, 1974, we intercepted a call from Di Turi to LOU VACCARELLI, discussing monies lost and won on sports and horse-racing bets (see page #1 of Exhibit "B", annexed hereto).

Your deponent believes said envelope to contain the betting tapes or ledgers compiled by LEO FARANDA during a day of receiving bets. On April 24th, 1974, Captain Joseph Di Piero (Bronx Public Morals Division) saw LEO FARANDA enter Mike Di Turi's with an envelope in hand, at approximately 7:20 P.M. The following day April 25th, 1974, your deponent, together with Sergeant Patrick Costello (Bronx Public Morals Division) observed LEO FARANDA, slip an envelope under Di Turi's closed door (at 3607 Bronxwood Avenue), at about 7:35 P.M. Again, on April 26th, 1974, Sergeant Costello and police officer McGreavy observed LEO FARANDA deposit another envelope under Di Turi's again locked door, also at approximately 7:30 P.M.

Knowing the contents of LEO FARANDA'S discussions with LOUIS VACCARELLI, as set forth heretofor, and having intercepted a number of conversations between VACCARELLI and Di Turi, as well as our observations of these persons since November, 1973, it is my expert opinion that after taking a day's wagers over the phone, at LEO FARANDA'S GROCERY, LEO FARANDA drops his betting tapes at Mike Di Turi's to be tabulated early the following morning. As set forth in the prior application for a Court order to place an eavesdropping device on LOUIS VACCARELLI'S phone at 3916 DYRE AVENUE, (Exhibit "A" p. 12-14), on April 5th, 1974, a large white envelope containing approximately ten thousand (10,000) policy plays was found at the back entrance to LEO'S Grocery by one Melvin Chambers. The envelope and it's contents, dated for April 6th, was vouchered by Police Lieutenant E. Donovan of the 47th Precinct.

As again set forth in Exhibit "A", page 12, one James Bruno, known to your deponent as a "pick-up man" for the gambling combine has been observed daily, at about 2:00 P.M., at FARANDA'S, entering through the rear of the grocery store. Additionally, Bruno has been observed meeting in the vicinity of FARANDA'S with one John Genco, also known to your deponent as a "pick-up" man of major proportion. I am convinced that LEO FARANDA is extensively involved in illegal gambling activity in Bronx County. As a result of the aforementioned Court-authorized wiretap on the telephone of LOUIS VACCARELLI, the conversations intercepted and monitored between VACCARELLI and FARANDA'S GROCERY are proof-positive that the telephone instrument which is the subject of this application, is being used extensively to foster and carryout illegal gambling activity in Bronx County. It is therefore obvious that the telephone conversations which we seek to intercept from the telephone at FARANDA'S GROCERY, 3601 BARNES AVENUE, the BRONX, and bearing telephone number 798-5522, will reveal further extensive illegal gambling activities. There is reasonable and probable cause to believe that LEO FARANDA has been, is, and will continue to be engaged in committing the crimes of Gambling and Promoting Gambling. Accordingly, it is my experience, that in order to secure evidence of the criminal activity of all persons engaged in the aforementioned criminal transactions, conventional means of investigation will not prove useful. Indeed, such conventional means have been tried and have failed to yield any evidence against persons in the higher echelons of the gambling combine in Bronx County.

Because of the continuing nature of this criminal activity, and the unknown number of people who may be involved, it is requested that the effective period of this order not be terminated upon the acquisition of a particular conversation, but that the order attached hereto remain in full force and effect until the expiration date thereof.

To the best of your deponent's information and belief, none of the conversations sought to be intercepted are privileged. In the event that there are any such privileged communications transmitted over this telephone, they will not be monitored.

Interception shall be conducted in such a way as to minimize interference with conversations not otherwise authorized to be intercepted.

Your deponent states that there is not, nor has there been a prior application for the relief sought herein, before this Court, and any other Court, Judge, or Justice.

WHEREFORE, the undersigned respectfully requests that the Court grant the application herewith.

DATED: Bronx, New York
June , 1974

GEORGE R. NORDT

Sworn to before me this
day of June, 1974.

JUSTICE OF THE SUPREME COURT

-----X
IN THE MATTER OF THE APPLICATION
OF THE UNITED STATES FOR AN :
ORDER AUTHORIZING THE INTERCEPTION :
OF WIRE AND ORAL COMMUNICATIONS :
-----X

Misc. No.

11-19-97 (76)

ORDER

AUTHORIZING INTERCEPTIONS OF WIRE AND ORAL COMMUNICATIONS

TO: Special Agents of the Federal Bureau
of Investigation
United States Department of Justice

Application under oath having been made before me by Carl M. Bornstein, a Special Attorney with the Organized Crime and Racketeering Section of the United States Department of Justice, assigned to the Southern District of New York, and an "investigative or law enforcement officer" as defined in Section 2510 (7) of Title 18, United States Code, for an Order authorizing the interception of oral and wire communications pursuant to Section 2516 of Title 18, United States Code, and full consideration having been given to the matters set forth therein, the Court finds:

a) There is probable cause to believe that MICHAEL DITURI, FRANK CARUSO, LEO FARANDA, LOUIS VACCARELLI, FRANK BATTISTA, and others as yet unknown have committed and are committing offenses involving oral communications and the use of telephone communication facilities to conduct an illegal gambling business in violation of Article 225 of the New York State Penal Law, and in which five or more persons participate and that has a gross revenue of \$2,000 in any single day and has been and remains in substantially continuous operation for a period in excess of thirty (30) days, thereby being in violation of Section 1955 of Title 18, United States Code, and are conspiring to commit such offenses in

b) There is probable cause to believe that particular wire and oral communications concerning these offenses will be obtained through the interception, authorization for which is herewith applied for. In particular, these wire and oral communications will reveal the identities and roles of all participants in the illegal gambling business, the places and locations used in furtherance of the gambling business, the amounts of monies wagered, the amounts of monies owed to or by bettors and other participants in the gambling business, the distribution of contraband monies and records obtained by and used in the illegal gambling business, the methods of record-keeping and the meaning thereof, the methods of operation used by participants in the gambling business and the full nature and scope of the conspiracy involved therein.

c) Normal investigative procedures have been tried and reasonably appear to be unlikely to succeed if tried further.

d) There is probable cause to believe that the premises of MIKE'S EXPRESSO, located in the ground floor of the building located at 3607 Bronxwood Avenue, Bronx, New York have been used, are being used and will continue to be used by MICHAEL DITURI, FRANK CARUSO, and others as yet unknown in connection with the commission of the above-described offenses.

e) There is probable cause to believe that the telephone located in the above-described premises, subscribed to by MIKE'S EXPRESSO and bearing telephone number 212-547-8607, has been used, is being used and will continue to be used by MICHAEL DITURI, and others as yet unknown in connection with the commission of the above described offenses.

WHEREFORE, it is hereby ordered that Special Agents of the Federal Bureau of Investigation, United States Department of Justice, are authorized, pursuant to application authorized by the Attorney General of the United States, the Honorable William B. Saxbe, to exercise the powers conferred on him by Section 2516 of Title 18, United States Code:

a) To intercept oral communications of MICHAEL DITURI, FRANK CARUSO, and others as yet unknown concerning the above-described offenses at the premises of MIKE'S EXPRESSO, located in the ground floor of 3607 Bronxwood Avenue, Bronx, New York.

b) To intercept wire communications of MICHAEL DITURI, FRANK CARUSO, LEO FARANDA, LOUIS VACCARELLI, FRANK BATTISTA, and others as yet unknown concerning the above-described offenses to and from the telephone subscribed to by MIKE'S EXPRESSO and bearing telephone number 212-547-8607.

c) Such interception shall not automatically terminate when the type of communications described above in Paragraphs (a) and (b) have first been obtained, but shall continue until communications are intercepted which record the manner in which MICHAEL DITURI, FRANK CARUSO, LEO FARANDA, LOUIS VACCARELLI, FRANK BATTISTA, and others as yet unknown participate in the illegal gambling business, the identities and roles of their confederates and their associates in the illegal gambling business, and the places and locations used in furtherance of the gambling business, the amounts of monies wagered, the amounts of monies owed to or by bettors and other participants in the gambling business, the distribution of contraband monies and records obtained by and used in the illegal gambling business, the methods of record-keeping and the meaning thereof, the methods of operation used by participants in the gambling business and the full nature and scope of the conspiracy involved therein, or for a period of twenty (20) days from the date of this order, whichever is earlier.

IT IS FURTHER ORDERED that the New York Telephone Company, a communication carrier as defined in Section 2512 (10) of Title 18, United States Code, shall furnish the applicant

necessary to accomplish the interception unobtrusively and with a minimum of interference with the service that such carrier is according the person whose communications are to be intercepted,

the furnishing of such facilities or technical assistance by the New York Telephone Company to be compensated for by the applicant at the prevailing rates.

PROVIDING THAT, this authorization to intercept wire and oral communications shall be executed as soon as practical after signing of this Order and shall be conducted in such a way as to minimize the interception of communications not otherwise subject to interception under Chapter 119 of Title 18, United States Code, and must terminate upon attainment of the authorized objective, or, in any event, at the end of twenty (20) days from the date of this Order.

PROVIDING ALSO, that interception of oral communications at the above described premises shall occur only when it has been determined that at least one of the above-named subjects is at the above-described premises.

PROVIDING ALSO, that Carl M. Bornstein shall provide the Court with a report on the 5th, 10th and 15th day following the date of this Order showing what progress has been made toward achievement of the authorized objective and the need for continuing interception.

DATE 7/18/74

2/18/74
UNITED STATES DISTRICT JUDGE

CARL M. BORNSTEIN
Notary Public, State of New York
No. 31-0859063
Qualified in New York County
Commission Exp. 30 March 30, 1975

-----x
IN THE MATTER OF THE APPLICATION :
OF THE UNITED STATES FOR AN ORDER : Misc. No.
AUTHORIZING THE INTERCEPTION OF :
WIRE AND ORAL COMMUNICATIONS :
-----x

APPLICATION

Carl M. Bornstein, a Special Attorney of the United States Department of Justice, being duly sworn, states:

1. I am an "investigative or law enforcement officer. . . of the United States" within the meaning of Section 2510(7) of Title 18, United States Code, that is -- an Attorney authorized by law to prosecute or participate in the prosecution of offenses enumerated in Section 2516 of Title 18, United States Code.
2. Pursuant to the power conferred on him by Section 2516 of Title 18, United States Code, the Attorney General of the United States, the Honorable William B. Saxbe, has authorized this application for an order authorizing the interception of wire and oral communications. Attached to this application as Exhibit A are the letter of notification of approval from the Criminal Division, and a copy of the Attorney General's memorandum of authorization.
3. This application seeks authorization to intercept wire and oral communications of MICHAEL DITURI, FRANK CARUSO, FRANK BATTISTA, LEO FARANDA, LOUIS VACCARELLI, and others as yet unknown concerning offenses enumerated in Section 2516 of Title 18, United States Code, that is -- the conduct and management of an illegal gambling business in violation of Article 225 of the New York State Penal Law.

and that has a gross revenue of \$2,000.00 in any single day and has been and remains in substantially continuous operation for a period in excess of thirty (30) days, thereby being in violation of Section 1955 of Title 18, United States Code, and a conspiracy to commit such offenses in violation of Section 371 of Title 18, United States Code, which have been and are being committed by MICHAEL DITURI, FRANK CARUSO, FRANK BATTISTA, LEO FARANDA, LOUIS VACCARELLI, and others as yet unknown.

4. I have discussed all the circumstances of the above offenses with Special Agent Jules J. Bonavolanta of the New York Office of the Federal Bureau of Investigation, who has directed and conducted the investigation herein, and I have examined the affidavit of Special Agent Bonavolanta (attached to this application as Exhibit B and incorporated herein) which alleges the facts therein to show that:

a) There is probable cause to believe that MICHAEL DITURI, FRANK CARUSO, FRANK BATTISTA, LEO FARANDA, LOUIS VACCARELLI, and others as yet unknown have committed and are committing offenses involving oral communications and the illegal use of telephone communication facilities for the purpose of conducting an illegal gambling business in violation of Sections 1955 and 371 of Title 18, United States Code.

b) There is probable cause to believe that particular wire and oral communications of MICHAEL DITURI, FRANK CARUSO, FRANK BATTISTA, LEO FARANDA, LOUIS VACCARELLI, and others as yet unknown concerning these offenses will be obtained through the interceptions thereof, authorization for which is herewith applied for. In particular, these oral and wire communications will provide evidence concerning all locations utilized in furtherance of the illegal gambling business, the distribution of monies and contraband records obtained

role of all participants in the commission of the aforesaid offenses.

c) The attached affidavit contains a full and complete statement explaining why normal investigative procedures reasonably appear unlikely to succeed if tried.

d) There is probable cause to believe that the telephone subscribed to by MIKE'S EXPRESSO and located in the ground floor of the premises located at 3607 Bronxwood Avenue, Bronx, New York and bearing telephone number 212-547-8607 has been and is being used and will continue to be used by MICHAEL DITURI, and others as yet unknown in connection with the commission of the above-described offenses.

e) There is probable cause to believe that the premises of MIKE'S EXPRESSO located on the ground floor of the building located at 3607 Bronxwood Avenue, Bronx, New York, have been and are being used and will continue to be used by MICHAEL DITURI, FRANK CARUSO and others as yet unknown in connection with the commission of the above-described offenses.

5. From his discussions with Special Agent Jules J. Bonavolonta, and from a review of Agent Bonavolonta's affidavit, affiant believes that authorization of the interception of oral communications in the premises of MIKE'S EXPRESSO, 3607 Bronxwood Avenue, Bronx, New York, as requested herein, will present only a minimal possibility that the conversations of members of the public not involved in the illegal gambling business will be overheard. As indicated in Agent Bonavolonta's affidavit, public patronage is quite rare and few, if any, of the commodities usually found in such establishments are available for sale. From all appearances the premises appear to be a "front" for the illegal gambling business. Coupling this to the fact that the investigating agents have already

participants in the course of their investigation, protection of the public from any unauthorized interceptions will be virtually assured by the contemporaneous physical surveillances that are planned already.

6. No previous application has been made to any Judge for authorization to intercept or for approval of interception of wire or oral communications involving any of the same persons, facilities or places specified herein except for those enumerated below which were approved by Justices of the Supreme Court of the State of New York in the County of the Bronx, State of New York.

a) On October 26, 1973, Justice Joseph Sullivan authorized the interception of wire communications over telephone number 212-547-6912 listed in the name of RHONDA WHALEN and located at 773 Burke Avenue, Bronx, New York.

b) On November 12, 1973, Justice Max Bloom authorized the interception of wire communications over telephone number 212-654-5907, listed to THOMAS WHALEN and located at 773 Burke Avenue, Bronx, New York. This order and the one described in Paragraph 6(a) hereof both expired on November 25, 1973.

c) On November 28, 1973 Justice Max Bloom authorized, for a period of twenty (20) days, the interception of wire communications over telephone number 212-823-2318 listed to DOMINICK SALOMONE and located at 1104 Neill Avenue, Bronx, New York.

d) On December 10, 1973 Justice Max Bloom authorized, for a period of thirty (30) days, the interception of wire communications over telephone number 212-831-4450, listed to the AMERICAN SOCIAL CLUB and located at 745 Burke Avenue, Bronx, New York.

e) On January 24, 1974, Justice Lawrence Bernstein authorized, for a period of thirty (30) days, the interception of wire communications over telephone number 212-552-2211 listed to the G & B BROS. and located at 3007 Bronxwood Avenue, Bronx,

New York.

f) On April 22, 1974, Justice Alexander Chananau authorized, for a period of thirty (30) days, the interception of wire communications over telephone number 212-994-2007, listed to LOUIS EXPRESSO SHOP and located at 3916 Dyre Avenue, Bronx, New York.

g) On June 11, 1974, Justice Thomas Hughes authorized, for a period of twenty (20) days, the interception of wire communications over telephone number 212-798-5522, listed to LEO FARANDA GROCERIES, INC., and located at 3601 Barnes Avenue, Bronx, New York.

WHEREFORE, your affiant believes that probable cause exists to believe that MICHAEL DITURI, FRANK CARUSO, LEO FARANDA, LOUIS VACCARELLI, FRANK BATTISTA, and others as yet unknown are engaged in the commission of offenses involving the use of oral communications and wire communications to conduct an illegal gambling business in violation of the laws of the State of New York, and in which five or more persons participate and which has a gross revenue in excess of \$2,000 in any single day, and which has been and remains in substantially continuous operation for a period of in excess of thirty (30) days, and a conspiracy to do so: that MICHAEL DITURI, FRANK CARUSO, and others as yet unknown have used, and are using the, premises of MIKE'S EXPRESSO, located at 3607 Bronxwood Avenue, Bronx, New York in connection with the commission of the above-described offenses; that MICHAEL DITURI and others as yet unknown have used, and are using the telephone subscribed to by MIKE'S EXPRESSO, located at 3607 Bronxwood Avenue, Bronx, New York, and bearing number 212-547-8607 in connection with the commission of the above-described offenses; that communications of MICHAEL DITURI, FRANK CARUSO, LEO FARANDA, LOUIS VACCARELLI, LOUIS BATTISTA, and others as yet unknown concerning these offenses are being intercepted.

above-described telephone number and from the above-described premises; and that normal investigative procedures appear unlikely to succeed.

On the basis of the allegations contained in this application, and on the basis of the affidavit of Special Agent Bonavolonta, attached hereto, affiant requests this Court to issue an order, pursuant to the power conferred on it by the Section 2518 of Title 18, United States Code, authorizing the Federal Bureau of Investigation of the United States Department of Justice to intercept oral communications emanating from the above-described premises and to intercept wire communications transmitted to and from the above-described telephone number. Communications are intercepted which reveal the manner in which MICHAEL DITURI, FRANK CARUSO, LEO FARANDA, LOUIS VACCARELLI, FRANK BATTISTA, and others as yet unknown participate in the illegal gambling business, the identities and role of all their confederates and associates, their places of operation, the distribution of contraband monies and records obtained by and used in the illegal gambling business and the full nature and scope of the conspiracy involved therein, or for a period of twenty (20) days from the date of that order, whichever is earlier.

It is further requested that this Court issue an order pursuant to the power conferred on it by Section 2518(4)(e) of Title 18, United States Code, directing that the New York Telephone Company, a communication common carrier as defined in Section 2510 (10) of Title 18, United States Code, shall furnish the applicant forthwith all information, facilities and technical assistance necessary to accomplish the interception unobtrusively and with a minimum of interference with the services that such carrier is according the person whose communications are to be intercepted. The furnishing of such facilities or technical assistance by the

New York Telephone Company to be compensated for by the applicant at the prevailing rates.

s/ Carl M. Bornstein
CARL M. BORNSTEIN
Special Attorney
U.S. Department of Justice

Sworn to before me this

11th day of July, 1974

BEST COPY AVAILABLE

CMB:pa



UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

Address Reply to the
Division Indicated
and Refer to Initials and Number

JUL 10 1974

Mr. Edward M. Shaw
Attorney-in-Charge
New York Joint Strike Force
New York, New York

Dear Mr. Shaw:

This is to advise you that pursuant to the power conferred on him by Section 2516 of Title 18, United States Code, the Attorney General has authorized an application to be made to a Federal judge of competent jurisdiction for an order under Section 2518 of Title 18, United States Code, authorizing the interception of wire and oral communications for a twenty (20) day period to and from the telephone bearing number 212-547-8607, and from the premises known as Mike's Espresso, located at 3607 Bronxwood Avenue, Bronx, New York, in connection with the investigation into possible violations of Title 18, United States Code, Sections 1955 and 371, by Frank Caruso, Michael Dituri, Leo Faranda, Frank Battista, Louis Vaccarelli, and others as yet unknown. A copy of the Attorney General's memorandum of authorization is attached hereto.

Accordingly, you or any other attorney on your staff who is an investigative or law enforcement officer of the United States within the meaning of Section 2510(7) of Title 18, United States Code, are authorized to make the above-described application.

Sincerely,

HENRY D. PETERSEN
Assistant Attorney General
Criminal Division

By: *James J. Featherstone*
JAMES J. FEATHERSTONE
Deputy Chief, Organized Crime
and Racketeering Section
Criminal Division

Enclosure

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

TO : Assistant Attorney General
Criminal Division

DATE: JUL 10 1974

FROM : The Attorney General

SUBJECT: Authorization for Interception
Order Application

This is with regard to your recommendation that I authorize an application to a Federal judge of competent jurisdiction for an order under Title 18, United States Code, Section 2516, authorizing the interception, for a twenty (20) day period, of wire communications to and from the telephone bearing number 212-547-3607 and of oral communications from the premises known as Mike's Espresso, both located at 3507 Bronxway Avenue, Bronx, New York, in connection with the investigation into possible violations of Title 18, United States Code, Sections 1955 and 371, by Frank Caruso, Michael Diturri, Leo Faranda, Frank Battista, Louis Vaccarelli, and others as yet unknown.

Pursuant to the power conferred on me by Section 2516 of Title 18, United States Code, I hereby authorize the above-described application to be made by any investigative or law enforcement officer of the United States as defined in Section 2516(7) of Title 18, United States Code.

Wm B. Saxe
WILLIAM B. SAXE
Attorney General

JUL 10 1974

Date

-----X
IN THE MATTER OF THE APPLICATION .
OF THE UNITED STATES FOR AN ORDER : Misc. No.
AUTHORIZING THE CONTINUED INTER- :
CEPTION OF WIRE COMMUNICATIONS :
-----X

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss

AFFIDAVIT

JULIUS J. BONAVENTURA, Special Agent, Federal Bureau of
Investigation, New York, being duly sworn states:

1. I am an "investigative law enforcement officer..." of
the United States within the meaning of Section 2510 (7) of Title 18,
United States Code--that is, an officer of the United States who is
empowered by law to conduct investigations of, and to make arrests
for, offenses enumerated in Section 2516 of Title 18, United States
Code.

2. I make this affidavit in support of an application which
seeks authorization to intercept wire and oral communications involving
the offenses of an illegal gambling business which is being conducted
in violation of Article 225 of the New York State Penal Law and in
which five or more persons are participating, and which has been in
substantially continuous operation for a period in excess of thirty
(30) days, and which has a gross revenue of \$2,000 in any single day,
thereby being in violation of Title 18, United States Code, Section 1955,
and a conspiracy to commit such offenses in violation of Title 18,
United States Code, Section 371, which have been committed and are being
committed by MICHAEL DITURI, FRANK CARUSO, FRANK BATTISTA, LOUIS
VACCARELLI, LEO FARANDA and other persons associated with them whose
identities are as yet unknown.

3. I have supervised the conduct of the investigation of
these offenses and as a result of my present participation in this
investigation and of reports made to me by agents of the Federal Bureau
of Investigation and officers of the New York City Police Department
under my supervision, I am familiar with all the circumstances of the

investigation. On the basis of this familiarity, I allege the facts contained in the numbered paragraphs below to show that:.

a) There is probable cause to believe that MICHAEL DITURI, FRANK CARUSO, FRANK BATTISTA, LOUIS VACCARELLI, LEO FARANDA, and others as yet unknown, have been and are now committing offenses involving oral communications and the illegal use of telephonic communications facilities for the purpose of conducting and directing an illegal gambling business which involves policy, and bookmaking on horse racing and other sporting events, in violation of Sections 1955 and 371 of Title 18, United States Code.

b) There is probable cause to believe that evidence of those offenses, including the identities and roles of all participants in the illegal gambling business, other locations utilized in furtherance of the illegal gambling business, and the distribution of contraband records and monies utilized in, and obtained by the illegal gambling business, will be obtained through the interception of wire and oral communications; the authorization of said interceptions being applied for herein.

c) There is probable cause to believe that the telephone line and instrument bearing number (212) 547-8607 located in the premises of Mike's Espresso, 3607 Bronxwood Avenue, Bronx, New York, has been used, is being used, and will continue to be used by the persons mentioned in Paragraph (2) hereinabove in the commission of the offenses mentioned in Paragraph (3)(a) hereinabove.

d) There is probable cause to believe that the premises of Mike's Espresso, 3607 Bronxwood Avenue, Bronx, New York, have been used, are being used, and will continue to be used, by the persons mentioned in Paragraph 2, hereinabove, to conduct conversations that are in furtherance of the commission of the offenses described in Paragraph 3(a) hereinabove.

e) Normal investigative techniques have been used and reasonably appear unlikely to succeed if utilized further.

f) No previous applications are known to have been made to any judge for authorization to intercept or for approval of interception of wire or oral communications involving any of the persons, facilities or places specified herein except as enumerated below:

(1) On October 26, 1973, Justice Joseph Sullivan of the Supreme Court of the State of New York, in the County of the Bronx, authorized the interception of wire communications over telephone number (212) 547-6912 listed in the name of RHONDA WHALEN and located at 773 Burke Avenue, Bronx, New York.

(2) On November 12, 1973, Justice Max Bloom of the Supreme Court of the State of New York in the County of the Bronx, authorized the interception of wire communications over telephone number (212) 654-5907, listed to THOMAS WHALEN and located at 773 Burke Avenue, Bronx, New York. This order and the one described in sub-paragraph (1) hereof both expired on November 25, 1973.

(3) On November 28, 1973, Justice Max Bloom of the Supreme Court of the State of New York, in the County of the Bronx, authorized for a period of twenty (20) days, the interception of wire communications over telephone number (212) 823-2318, listed to DOMINICK SALCONE and located at 1104 Neill Avenue, Bronx, New York.

(4) On December 10, 1973, Justice Max Bloom of the Supreme Court of the State of New York, in the County of the Bronx, authorized for a period of thirty (30) days, the interception of wire communications over telephone number (212) 881-4450 listed to the AMERICAN SOCIAL CLUB and located at 745 Burke Avenue, Bronx,

(5) On January 24, 1974, Justice Lawrence Bernstein, of the Supreme Court of the State of New York, in the County of the Bronx, authorized, for a period of thirty (30) days, the interception of wire communications over telephone number (212) 653-3341, listed to the G & D LUNCHEONETTE, and located at 3507 Bronxwood Avenue, Bronx, New York.

(6) On April 22, 1974, Justice Alexander Chananau of the Supreme Court of the State of New York, in the County of the Bronx, authorized, for a period of thirty (30) days, the interception of wire communications over telephone number (212) 994-2007, listed to LOUIS' EXPRESSO SHOP and located at 3916 Dyre Avenue, Bronx, New York.

(7) On June 11, 1974, Justice Thomas Hughes of the Supreme Court of the State of New York, in the County of the Bronx, authorized, for a period of twenty (20) days, the interception of wire communications over telephone number (212) 798-5522, listed to LEO FARANDA GROCERIES, INC., and located at 3501 Barnes Avenue, Bronx, New York.

BACKGROUND INFORMATION

Hereinafter, unless otherwise specified, all telephone numbers are in the (212) area as designated by the New York Telephone Company and all addresses are on streets and avenues in the County of the Bronx, State of New York. Also, all excerpted conversations are substantially verbatim but are not to be considered as exact. Furthermore, the investigation in this matter has been conducted both by agents of the Federal Bureau of Investigation and police officers assigned to the Public Morals Division (PMD) of the Police Department of the City of New York acting under the jurisdiction of the Office of the District Attorney, in and for the

April 1974 these officers and agents have conducted this investigation jointly under the personal direction and supervision of your affiant.

FACTS SHOWING PROBABLE CAUSE

4. Numerous observations of the premises of MIKE'S EXPRESSO at 3607 Bronxwood Avenue, reveal it to be located on the ground floor of a two-story building. Though it is ostensibly a public eating establishment, public patronage rarely has been observed. These observations also establish that MICHAEL DITURI can be found on the premises on a daily basis. More than sixty (60) observations, which were conducted during the months of April, May and June of 1974 reveal that the store has been open from approximately 8:30 AM to 7:30 PM Monday through Saturday, and from about 10:00 AM to about 3:00 PM on Sundays during that period. The second story contains residential apartments.

5. MICHAEL DITURI is known to the New York City Police Department under number B 466807. A record check, conducted by Special Agent AUGUST J. MICEK on April 30, 1974 indicates that DITURI has been arrested 29 times for gambling violations, most recently in September, 1971, and was convicted for five of these offenses.

6. On June 14, 1974 the records of the Permits Department of the New York City Board of Health were examined by Patricia Dennison, a clerk, upon the request of Special Agent EDWARD LAHEY. She advised that her examination of the records of the issuance of all possible licenses required to be issued to grocery stores, luncheonettes or other similar establishments, such as restaurants, revealed no record of any license having been issued to MIKE'S EXPRESSO, MICHAEL DITURI, or the premises of 3607 Bronxwood Avenue, Bronx, New York.

Company were reviewed by Special Agent CHRIS SCATURO and revealed the following information:

a) Prior to February 5, 1974 telephone number (212) 653-3341 was listed to the G & D LUNCHEONETTE, located at 3607 Bronxwood Avenue, Bronx, New York. This number was the subject of the eavesdropping warrant described in Paragraph 3(f)(5) and service was disconnected on February 5, 1974 during the authorized period of the surveillance.

b) Telephone number (212) 547-4062 was listed to THE BRONXWOOD LUNCHEONETTE at 3607 Bronxwood Avenue, Bronx, New York, until March 5, 1974 when service was disconnected after police raided the premises.

c) On March 1, 1974, telephone number (212) 547-8607 was installed at the subject premises. As of June 18, 1974, it was still in service and listed to MIKE'S EXPRESSO, at 3607 Bronxwood Avenue, New York. The records further reveal that the instrument is a portable telephone which may be moved throughout the premises.

8. From January 30, 1974 to February 5, 1974, members of the New York City Police Department intercepted conversations over telephone number 653-3341 pursuant to the order of Justice Lawrence Bernstein, which is more fully described in Paragraph 3(f)(5) hereof. The conversations intercepted pursuant to the aforementioned order reveal numerous occasions in which various aspects of the illegal gambling business were discussed by MICHAEL DITURI. During the course of these conversations DITURI discussed amounts wagered on a previous day, amounts owed to or by bettors and other participants in the illegal gambling business, accuracy of the records maintained in the gambling operation, and the odds or "lines" on various bets.

a) During the afore-mentioned electronic surveillance approximately 150 telephone calls were placed to or from telephone number 653-3341. Of these, approximately 114 intercepts revealed

conversations pertaining to the operation of an illegal gambling business. The calls were intercepted as early as 8:00 AM and as late as about 5:20 PM.

b) On January 30, 1974 at about 10:15 AM, MICHAEL DITURI called LOUIS VACCARELLI from telephone number 653-3341 and the following conversation ensued:

LOU: Hello.

MIKE: Yeah, LOU.

LOU: Yeah, MIKE.

MIKE: This is for this.

LOU: That guy got Knicks.

MIKE: Huh?

LOU: That guy got one to win with the Knicks.

MIKE: Yeah.

LOU: I know AL LANDI told me.

MIKE: He beat you for 576.

LOU: All Toll.

MIKE: Yeah three winners and a round robin. He caught ya. How that's with the sports. The horses, he er... What did you figure on the horses?

LOU: 276.

MIKE: Yeah 276, then you gotta deduct \$20.00 from the other bet is 256.

LOU: No it was 296 you have- You deduct 20 its 276.

MIKE: That was for him alone we're talking about.

LOU: Yeah him alone.

MIKE: Now now that other bet there.

LOU: Huh?

MIKE: The other bet with the Exacta.
LOU: Yeah, I knocked that down.
MIKE: Yeah so that's another two-, in other words, here-
LOU: I win \$20.00 over there.
MIKE: Right!! In other words for the day you lose 256 with the horses.
LOU: Right.
MIKE: Right.
LOU: Yeah.
MIKE: Now let me speak out the sports here. What you called in was 990 you win.
LOU: Yeah.
MIKE: He beat ya for 576 - Gus-
LOU: In other words-
MIKE: With the sports, with the sports - Just the sports, forget the horses.
LOU: Yeah, I gotta put this down - (Inaudible)- To get the figure.
MIKE: Yeah, well that what I'm gonna do, well here, alright, put down with the sports he wins 576.
LOU: He wins 852 for the day.
MIKE: Well what was that, 576 and...
LOU: 276
MIKE: How much? 848
LOU: Er 14, 14, oh I got 576 and (inaudible) That is 852 MIKE.
MIKE: 5, 7 -(pause)-oh 576- That's 12, 14, 8- (pause) 852 is right. Alright now for your total- You know, for the day on the books.

LOU: Yeah.

MIKE: That's er-You win 990 on one bet, He beat you 5 cents more. That's c i e. That's 414 and 256, that's 10, 7- You lose \$670 for the day.-Whoa, Oh no-Whoa, Whoa, Oh wait a minute- Hold it-Hold it- Wait, Wait, Wait.

LOU: Oh MIKE--(pause)-I gotta win(inaudible)- MIKE.

MIKE: It's 990 you win.

LOU: Yeah.

MIKE: So in others you win 414 over there for with the sports-cause GUS beat you for 576 and you win 990-So that's 10, That's 414 you win with sports and the horses you lost 256.

LOU: Right.

MIKE: That's 8 you lost \$158 for the day.

LOU: Lose?

MIKE: Yeah.

LOU: All total? Huh?

MIKE: You win 414.

LOU: Oh, Can't be.

MIKE: Wait, Wait, Wait, I getting all (obscene) up here.

LOU: Yeah, It can't be.

MIKE: You win 414 and you win \$158.00 LOUIE.

LOU: Right.

MIKE: Right.

LOU: Because if I win 990 he (pause)- he only wins 852. I win 990 and the 20.

MIKE: Yeah-(pause)- Right, right, so now you put down in the book for the day, you win \$158.00 for you.

LOU: To win- manage (phonetic) I never to nothin' to him.

MIKE: No-he did-(pause)-that guy took it all away from you.

LOU: He took it all away.

MIKE: So at least you won anyway \$2.00

LOU: Alright.

MIKE: Alright, LOU, you got that now.

LOU: Yeah.

MIKE: Alright.

LOU: I win 158 the other guy get 852 he wins for the day.

MIKE: Right.

LOU: GUS

MIKE: O.K.

LOU: Right.

c) On January 31, 1974, at about 9:30 AM, MICHAEL DITURI called LOU VACCARELLI from telephone number 653-3341 and the following conversation ensued:

LOU: Hello.

MIKE: Yeah, LOU

LOU: Yeah, MIKE.

MIKE: What was that 9, 12, that there-that number.

LOU: Yeah, 9-1-2.

MIKE: O.K.

LOU: Alright buddy.

d) On February 4, 1974, at about 2:05 PM, MICHAEL DITURI received a telephone call at telephone number 653-3341 from an unknown male named "JIMMY." The conversation set forth below was the last intercept made during the authorized period of surveillance.

MIKE: Hello.

MALE VOICE : Yea, this is JIMMY.

MIKE: Hi, JIMMY.

JIMMY: Yea, listen- I met a friend of mine -
inaudible- the telephone in the truck
from the telephone- He says there's about
five or six wires tapped in the area -
so be careful.

MIKE: You think mine is tapped?

JIMMY: (pause) I guess so.

MIKE: Thanks alot.

9. From April 24, 1974, to May 21, 1974, members of the New York City Police Department intercepted telephonic conversations over telephone number (212) 994-2007 pursuant to the order of Justice Alexander Chananau, which is more particularly described in Paragraph 3(f)(6) hereinabove. During that period, numerous telephone calls were either placed to or made from telephone number 994-2007, at LOUIS' EXPRESSO SHOP, 3916 Dyre Avenue, and the conversations which were intercepted and recorded on a daily basis, except for April 28, 1974, clearly establish the participation of LOUIS VACCARELLI in the illegal gambling business heretofore described. In the course of the intercepted conversations LOUIS VACCARELLI discussed various aspects of the illegal gambling business including monies wagered on a previous day, monies owed to, or by, bettors and other participants in the illegal gambling business, the names of the persons who betted in the gambling operation, and the odds or "lines" on various bets.

a) During the authorized period of surveillance approximately 1103 telephone calls were made from or placed to telephone number 994-2007.

b) Of these, approximately 711 conversations, involving numerous people, including bettors, which related to various aspects of the illegal gambling business were intercepted and recorded on a daily basis. Included in these conversations were approximately 105 outgoing calls that LOUIS VACCARELLI made to LEO FARANDA and approximately 75 incoming calls that were received by LOUIS VACCARELLI from LEO FARANDA. Also included were approximately 52 outgoing calls made by LOUIS VACCARELLI to MICHAEL DITURI and approximately 43 incoming calls that were received by LOUIS VACCARELLI from MICHAEL DITURI. Among these calls are the conversations set out hereinbelow.

c) On April 24, 1974, at about 9:10 AM LOUIS VACCARELLI received an incoming call from MICHAEL DITURI and the following conversation ensued:

LOU: Yeah Buddy; ah, yeah MIKE.

MIKE: Collect TONY \$25.00.

LOU: TONY \$25.00.

MIKE: RAY collect \$55.00.

LOU: RAY collect \$55.00.

MIKE: BROWN collect \$120.00.

LOU: BROWN collect \$120.00.

MIKE: GUS pay \$115.00

LOU: GUS pay \$115.00 (inaudible)

MIKE: I don't know LCU.

LOU: Yeah. He must of because he only gave me
15 (inaudible).

MIKE: (inaudible). He's on another list.

LOU: Oh, yeah, he must of called in.

day in sports.

LOU: Huh, huh.
MIKE: And you did \$40.00 with the horse.
LOU: (repeat) Win \$85.00 in sports.
MIKE: And \$40.00 with the horse.
LOU: And horse \$40.
MIKE: That's it.
LOU: Alright, MIKEY.

d) On April 30, 1974, a series of calls were intercepted which clearly reveal LOUIS VACCARELLI's role in the illegal gambling business and also establish that his conduct is supervised by both MICHAEL DITURI and FRANK CARUSO. The series starts when LOUIS VACCARELLI called a bettor identified only as "GUS" and advised him of the previous day's results. "GUS" told LOUIS VACCARELLI that he ("GUS") had "hit" a \$20.00 "Daily Double" at the Garden State Racetrack and had won \$250.00. LOUIS VACCARELLI responded by telling "GUS" that he would have to check and that he (VACCARELLI) would call him back. VACCARELLI then called DITURI and they discussed VACCARELLI'S prior conversations with "GUS". VACCARELLI admitted to DITURI that he (VACCARELLI) had probable made a mistake and after ending this conversation with DITURI he attempted to contact FRANK CARUSO. At about 11:28 AM on April 30, 1974, LOUIS VACCARELLI made an outgoing call in an effort to speak to FRANK CARUSO and the following conversation ensued:

Unknown Female: Hello.
LOU: Hello. Is FRANK around?
Unknown Female: No. He's not here.
LOU: Alright. Thank you.
Unknown Female: You're welcome.

Unable to reach CARUSO, VACCARELLI called DITURI again. At about

and the following conversation ensued:

MIKE: Hello.
LOU: Hello, MIKE.
MIKE: Yeah.
LOU: That guy around?
MIKE: No.
LOU: I just called (interrupted)
MIKE: Not yet.
LOU: I just called that joint and he ain't there.
MIKE: No, he's not. I spoke to him earlier. He's putting tires on his car.
LOU: Oh. Alright.
MIKE: He'll come here though.
LOU: If he comes, tell him, tell him (pause) tell him, if wants to take a ride up or call me.
MIKE: Alright.
LOU: If he takes a ride up. it's better.
MIKE: Alright.
LOU: Alright.

At about 12:52 PM on April 30, 1974, LOUIS VACCARELLI received an incoming call from FRANK CARUSO and the following conversation ensued:

LOU: Hello.
FRANK: LOUIS.
LOU: Yeah.
FRANK: What's cooking?
LOU: Well, nothing much. I get a little tiff over here. I think I made an

FRANK: You think you made the error.

LOU: Yeah, I think I did.

FRANK: Yeah.

LOU: Yeah.

FRANK: What happened?

LOU: I didn't put something down on the DD
and it comes to two and a half.

FRANK: Two hundred and fifty dollars.

LOU: Yeah.

FRANK: (pause) Alright.

LOU: That's it, because (hesitation) you
know why its its

FRANK: Why?

LOU: It's it's that guy, that you know I
get you know that bets everything and
a, I think, I did make an error, you
know. So I, I a gave it to him.

FRANK: Alright. Tell LEO to give you a credit
for \$250.

LOU: Alright. Because I figured

FRANK: (interrupts) Be a little careful, LOUIE.

LOU: I know.

FRANK: It could be \$2,500. You know what I mean?

LOU: I know, I know. You're right, but it
was \$250 that I gave him, because I
remembered the a the Perky Pie, the name
itself. That's what made me (hesitation)
you know to give in to the guy. You know?

FRANK: Yeah.

LOU: So I figured, let me tell you.

FRANK: When a guy gives you a ticket make sure

LOU: Alright, I will.

FRANK: Because it could be worse.

LOU: I know it could be. Alright, FRANK.

FRANK: Tell, tell LEO to give you a credit for \$250.

LOU: Alright.

FRANK: Alright.

LOU: Alright, FRANKIE.

FRANK: Alright.

e) Yet another conversation intercepted over telephone number 994-2007 reveals VACCARELLI being called to account by CARUSO and further establishes the hierarchy of the illegal gambling business. On May 8, 1974, at about 11:37 AM LOUIS VACCARELLI was called by FRANK CARUSO and the following conversation ensued:

LOU: Hello.

FRANK: LOUIE.

LOU: Yeah.

FRANK: FRANKIE, LOU

LOU: Yeah, buddy.

FRANK: LOUIE what's the \$20.00 off there oh ah

LOU: Well you know what there, I sent you back the whole two things, you know, it was a, it was 740, yeah the whole ticket for Sunday. Now it was a 7 1/2, you were charged \$320.00 for 40 times, you were only suppose to be charged \$300.00 FRANK.

FRANK: The game was 8 LOUIE.

LOU: No when I called it in, I had, he had given me that there FRANK

FRANK: Well he had worked on it 2

LOU: That's why (interjected)

FRANK: When you give him the bet LOUIE tell him what price.

LOU: I did, I did FRANKIE.

FRANK: Well he had on it 8, so that's why he was charged \$320.00.

LOU: FRANKIE, you see my thing that I sent out to

FRANK: Yeah, I see it.

LOU: That's what I gave this guy the line at, that why he come in, he, he, straighten out with me and he says why the \$320.00 it suppose to be \$300.00, I looked and that's why I charged him that.

FRANK: When there's changes, doesn't this guy call you and give you the changes.

LOU: No, no, the bet was already in I guess.

FRANK: Well, now when you could give him the bet you should have, you know listen this here is a bet I already took

LOU: No, but you see FRANK when I call in a bet, that what ever team it is I give him a minus or a plus, I give him the odds right there and then what I got in front of me FRANKIE..

FRANK: Yeah.

LOU: You know what I mean.

FRANK: No but I (interrupted)

LOU: This way I'm sure that I gave it to him at 7 1/2, that's why I can't argue with the guy.

LOU: Because (interrupted)

FRANK: I gotta add another \$50 on you red now.

LOU: Yeah.

FRANK: Understand.

LOU: Alright.

FRANK: And like same with the \$100.00 difference with yesterday.

LOU: Yeah, alright but I don't know what it's all about but whatever you say is alright.

FRANK: No yesterday (interrupted)

LOU: But the only reason why I took the twenty off because of this guy give me the \$20.00 short

FRANK: I gotta add \$20.00 more on to the red.

LOU: O.K. buddy.

FRANK: Alright.

LOU: Alright FRANKIE.

10. A review of the records of the New York City Police Department, conducted by Special Agent AUGUST J. MICEK, reveals that LOUIS VACCARELLI was arrested once for a violation of the New York State gambling laws. This review was done on August 30, 1974.

11. Further investigation reveals that the premises of MIKE'S EXPRESSO, 3607 Bronxwood Avenue, Bronx, New York have been visited regularly by FRANK BATTISTA and LEO FARANDA, both of whom are also participants in the conduct of the illegal gambling business under investigation as will be shown in the following paragraphs. On numerous occasions, both BATTISTA and FARANDA have been observed approaching the door of MIKE'S EXPRESSO between the hours of 7:00 PM and 9:30 PM when the store was already closed. Each was seen placing envelopes through the mail slot in the door and then looking out the door. Some of these envelopes, containing the money,

time and person observed engaging in this conduct are set forth below. BATTISTA was frequently in a car owned by an individual who has since been identified as SANTO TANTILLO.

a) On April 24, 1974, FARANDA came to the premises at 7:20 PM. At 8:15 PM, BATTISTA came to the premises as a passenger in TANTILLO'S car.

b) On April 25, 1974, FARANDA came to the premises at 7:35 PM. BATTISTA arrived at 8:12 PM in TANTILLO'S car.

c) On April 26, 1974, FARANDA came to the premises at 7:35 PM. At 8:15 PM, BATTISTA arrived as a passenger in TANTILLO'S car.

d) On May 17, 1974, FARANDA came to the premises at 7:35 PM. BATTISTA arrived alone at 8:15 PM.

e) On May 20, 1974, FARANDA came to the premises at 7:39 PM.

f) On May 28, 1974, FARANDA came to the premises at 7:35 PM. At 8:10 PM TANTILLO arrived alone.

g) On June 3, 1974, FARANDA came to the premises at 7:38 PM.

h) On June 5, 1974, FARANDA arrived at 7:40 PM. At 8:20 PM, BATTISTA came to the premises alone.

i) On June 11, 1974, FARANDA came to the premises at 7:40 PM. At 8:10 PM, BATTISTA came to the premises alone.

j) On June 17, 1974, FARANDA arrived at the premises at 7:40 PM.

k) On June 20, 1974, FARANDA came to the premises at 7:38 PM. At 8:22 PM, TANTILLO arrived to make the drop.

12. FRANK BATTISTA is known to the New York City Police Department under number B152121. A review of records maintained by the New York City Police Department by Special Agent AUGUST J. MICER on April 20, 1974, reveals that FRANK BATTISTA was arrested nine times for gambling violations; see records on June 23, 1973.

13. From December 11, 1973 to January 8, 1974, members of the New York City Police Department intercepted telephonic communications over telephone number (212) 881-4450 pursuant to the order of Justice Max Bloom which is more particularly described in Paragraph 3(f)(4) hereof.

14. During the aforementioned electronic surveillance approximately 2,789 telephone calls were placed to or from telephone number 881-4450 which was then listed to the AMERICAN SOCIAL CLUB.

a) Of these, approximately 2,365 conversations were intercepted which pertained to various aspects of the illegal gambling business.

b) In about one-third of these intercepts, FRANK BATTISTA was overheard discussing monies wagered on a previous day, monies owed to or by bettors and other participants in the illegal gambling business, accuracy of the records maintained in the gambling operation, and the odds or "lines" on various bets. Many of these conversations were between BATTISTA and MICHAEL DITURI whom BATTISTA called at telephone number 653-3341. Three illustrative conversations are set forth below.

c) On January 1, 1974, at about 11:21 AM, an unidentified male, "JOE", placed an outgoing call from telephone number 881-4450 to MICHAEL DITURI at telephone number 653-3341 and the following conversation ensued:

MALE VOICE: Hello.

JOE: JO JO whats the line? JOE

M/V: Yeah, 995.

JOE: No, I want the line from MIKE.

M/V: Hold on.

JOE: Yeah, (pause) MIKE.

JOE: Texas 3 1/2.

MIKE: Ohio State 2 1/2.
JOE: Ohio State 2 1/2.
MIKE: Penn State 7.
JOE: Penn State 7 alright.
MIKE: Right, JOE.
JOE: Give me Nebraska 100 times.
MIKE: You got Nebraska plus 3 1/2 100 times.
JOE: Ah, no, its 200 times rather what am
I talking about 200 times.
MIKE: You want it for a dime.
JOE: Yeah.
MIKE: Alright.
JOE: and Ohio State two hundred times.
MIKE: Ohio State 2 1/2 for a dime.
JOE: Yeah, and Penn State two hundred times.
MIKE: Penn State minus 7 a dime.
JOE: Alright.
MIKE: Nebraska plus 3 1/2 Ohio State minus
2 1/2 Penn State minus 7 a dime each.
JOE: Right.
MIKE: O.K. JOE.
JOE: Bye Bye.

d) On January 7, 1974, at about 3:07 PM, FRANK BATTISTA placed an outgoing call from telephone number 881-4450 to MICHAEL DITURI at telephone number 653-3041 and the following conversation ensued:

MIKE: Hello.
FRANK: Yeah, Frankie.
MIKE: Yeah.
FRANK: Give me four for fifty.

FRANK: Nine for ten.
MIKE: Nine for ten.

FRANK: Wait awhile (F.)MIKE talking to
someone in Club) listen.

MIKE: Yeah.

FRANK: The total I got he's got an error
he he's got me down balance twenty
two tell him its nineteen.

MIKE: Balance he has twenty two.

FRANK: Its nineteen.

MIKE: You say its nineteen.

FRANK: Yeah, I owed him thirty nine I sent
him two its nineteen.

MIKE: Alright, its nineteen balance you got
O.K. I'll tell him.

FRANK: So long.

e) On January 8, 1974 at about 3:20 PM, an
unidentified male "LARRY" placed an outgoing call from telephone
number 881-4450 to MICHAEL DITURI at telephone number 653-3341
and the following conversation ensued:

MIKE: Hello.

LARRY: Yeah, FRANKIE.

MIKE: Yeah, FRANK

LARRY: 57 for 5 dollars.

MIKE: 57 for 5.

LARRY: 75 for five dollars.

MIKE: 75 for 5.

LARRY: the 5 for 35 dollars.

MIKE: the 5 for 35 dollars.

LARRY: 23 for five dollars.

MIKE: 25 for 5.

LARRY: 32 for 5 dollars.

MIKE: 32 for 5.

MIKE: 2 for 5.

LARRY: 24 for 4 dollars.

MIKE: 24 for 4.

LARRY: The one for 20 dollars.

MIKE: The one for 20.

LARRY: The eight for a dollar.

MIKE: Eight for 1

LARRY: and 76 for a dollar.

MIKE: 76 1

LARRY: Yeah, listen you got the official number of the trotter number last night.

MIKE: Ah, hold on something wrong the one on the paper.

LARRY: Well, they said there's a different one in the Post a couple of guys called me.

MIKE: Oh, I don't know then.

LARRY: Oh, alright.

MIKE: I got no idea then Buddy.

LARRY: Alright so long.

15. On June 12, 1974, members of the New York City Police Department began intercepting telephone communications over telephone number 212-793-5522 pursuant to the order of Justice Thomas Hughes which is more particularly described in Paragraph 3(f)(7) hereof.

16. The aforementioned surveillance revealed that a total of approximately 923 telephone calls were either made from or phoned to telephone number 212-793-5522 from June 1974 through and including June 20, 1974. Of these, approximately 834 intercepts revealed conversations pertaining to legal gambling including monies wagered, accounts owed to and by bettors or other participants in the illegal gambling business, the accuracy of records maintained in the gambling operation, and

part in over 90% of these conversations. In 43 conversations,

FARANDA spoke to MICHAEL DITURI. In about 30 conversations, FARANDA spoke to LOUIS VACCARELLI. In four conversations, FARANDA spoke to FRANK CARUSO. Two of these discussions are set forth below and reflect CARUSO'S supervision of FARANDA.

a) On June 17, 1974, at about 11:45 AM, LEO FARANDA received an incoming call at telephone number 798-5522 from FRANK CARUSO and the following conversation ensued:

LEO: Hello.

FRANK: Hello, JOHN?

LEO: No, this is LEO.

FRANK: You wanna run up here for a minute?

LEO: Yeah, alright.

As reflected, more particularly in Paragraph 19(a) below, shortly after this conversation, FARANDA met CARUSO in MIKE'S EXPRESSO SHOP.

b) On June 17, 1974 at about 2:21 PM, FARANDA placed an outgoing call to CARUSO from telephone number 798-5522 to telephone number 212-231-9506 and the following conversation ensued:

M/V: Hello.

LEO: Yeah, LEO, is whatshisname there?

M/V: Just a minute, LEO (In background, away from phone: "It's LEO").

FRANK: Hello.

LEO: Yeah, this is LEO.

FRANK: Yeah, LEO.

LEO: You know JERRY?

FRANK: Yeah.

LEO: This guy JERRY, now he didn't give me nothing for the first.

LEO: On Saturday, he called in a hundred and sixty dollar number. So I said it's a \$100.00 and a \$60.00 hedge. He said no, I don't bet no hedges, I got no limit. I said no, I'm sorry. I said I'm supposed to take a hundred and the last on hedge. He says well, how am I going to get out of the hole. I says well listen, you'll have to talk to the person. I know what I'm supposed to do. I say I've got to take a hundred and a \$60. hedge. So he was annoyed. Now today he didn't give me anything. So I say --

FRANK: (interrupts) Did you call him?

LEO: Of course I called him. He says I got nothing. And that's the first time since I've been calling him that he's got nothing for the first. So I figured I better let you know.

FRANK: Did you ever take more than \$100.00 off him?

LEO: No, no, you told me not to.

FRANK: A hundred ten - you know- like that, a hundred twelve?

LEO: I take (inaudible)-- but sixty dollars. What am I suppose to do? I couldn't take \$150.00 from him. But I know he felt annoyed, so I figured I better let you know. And this is the first time he never turned the first over to me. So. Pause.

FRANK: I was just trying to think.

LEO: I don't know. He says that he had no limit with you. I says, that's not what I heard. I said I've got to do what I'm told. (In audible).

FRANK: You see, when he says he's got no limit, say what happens when you've got a thousand dollars? In other words, your're supposed to take a thousand dollars?

LEO: Yeah, that's right.

FRANK: What do you mean by no limit?

LEO: He says --

FRANK: (interrupts) You understand.

LEO: (Inaudible).

FRANK: You say as far as I know I'm told to take a hundred dollar limit. That's all.

LEO: Alright then.

FRANK: Now, if you want to get rid of anymore, I'll get rid of it for you. But all I can take is a hundred dollar limit. How much can I take? You know how many other guys give me the same number? What am I suppose to do? Have a thousand dollars on one number?

LEO: That's what I told him.

FRANK: You understand that's how you've got to answer these guys.

LEO: (Inaudible).

FRANK: Now, you call him back for the second.

LEO: ...

FRANK: He tells you I got nothing for the second, say is something wrong Jerry. Ever since I called you, you never once had nothing.

LEO: Yeah, well he had nothing on the second and third now and then.

FRANK: I understand. But as far as you're concerned, that's what you say - never once that I called you never had anything say is something wrong because of the hedge Saturday? Now make like you never spoke to me.

LEO: Right.

FRANK: Say well, you know, did you speak to the other guy. I never mentioned nothing. You tell him like that.

LEO: Right.

FRANK: And then you go into a spiel. Say, listen, we got a hundred dollar limit. Say what are we going to do. You know how many times I get a hundred from you. A hundred and a hundred. Sometimes we got seven, eight hundred dollars on one number.

LEO: Right.

FRANK: So it's just like a full number. You've got to limit yourself.

LEO: Right, alright.

FRANK: You know what I mean.

LEO: I just figured I'd better let you know.

FRANK: Sure. He's--

FRANK: I know it. It's just the way he's style is.

LEO: Alright.

FRANK: Alright.

17. FRANK CARUSO is also known to the New York City Police Department under Number B533515 and to the Federal Bureau of Investigation under Number 587040B. A review of NYPD records by Special Agent AUGUST J. MICEK on April 30, 1974, reveals that FRANK CARUSO has been arrested 13 times for gambling offenses; most recently on March 5, 1974 in Bronx County. He was convicted on five of those charges.

18. As reflected by the facts alleged in paragraphs 9, 15 and 16, FRANK CARUSO also has a managerial role in the operation of the illegal gambling business under investigation. The conversations set forth in the aforementioned paragraphs show that on at least three occasions CARUSO has exercised supervision over both LEO FARANDA and LOUIS VACCARELLI when either of them have had difficulties in the course of conducting their respective phases of the gambling operation.

19. Observations conducted in the course of this investigation further establish that the premises of MIKE'S EXPRESSO at 3607 Bronxwood Avenue, Bronx, New York, are frequently visited and used by FRANK CARUSO to hold conversations with other participants in the gambling operation. Additionally, these observations and other informant information reflected in paragraph 23 indicates that FRANK CARUSO, in turn, is associated with still other persons whose higher role in the illegal gambling business insulates them from day-to-day operation.

a) On June 17, 1974, shortly after he asked FARANDA to meet him (see conversation in Paragraph 15(a)), CARUSO met FARANDA in the premises of MIKE'S EXPRESSO. At about 11:55 AM Special Agent EDWARD LAHEY observed FRANK CARUSO, LEO FARANDA and MICHAEL DITURI exiting the premises of MIKE'S EXPRESSO, 3607 Bronxwood Avenue, walk to a nearby vehicle and engage in a conversation. The vehicle was a black 1974 Oldsmobile, bearing

New York License plate number 868 XMS. Records* reveal that this vehicle is registered to Florence Caruso of 2275 Barker Street, Bronx, New York.

b) On May 23, 1974, FRANK CARUSO was observed entering the premises of MIKE'S EXPRESSO, 3607 Bronxwood Avenue, at about 1:45 PM. MICHAEL DITURI was present and FRANK CARUSO left the aforementioned premises approximately ten minutes later. Two minutes later, CARUSO was observed exiting the premises of 3601 Barnes Avenue, which, as reflected more fully in Paragraph 3(f)(7) hereof is the address of LEO FARANDA'S GROCERIES, INC.

c) On May 27, 1974, FRANK CARUSO was observed entering the premises of MIKE'S EXPRESSO at 3607 Bronxwood Avenue at about 1:45 PM and exit the premises at about 2:05 PM. At about 2:06 PM CARUSO was observed entering the premises of 3601 Barnes Avenue (LEO FARANDA GROCERIES, INC.) and leave at about 2:15 PM. He was then observed driving to the premises of the ROSEWOOD LUNCHEONETTE, located at 3263 White Plains Road, Bronx, New York. CARUSO was observed to be driving a maroon Chevrolet automobile bearing New York license plate 775 YBL. Records* showed that this automobile is registered to ROBERT DADDARIO. DADDARIO is known to the New York City Police Department under number B422853 and the records further reflect that he was arrested with CARUSO on June 20, 1973 by members of the New York City Police Department for gambling offenses.

d) On May 12, 1974, the following observations of FRANK CARUSO, and others, were made:

(1) At about 11:35 AM CARUSO was admitted to the premises of MIKE'S EXPRESSO, 3607 Bronxwood Avenue, by MICHAEL DITURI. CARUSO was observed exiting the premises of

* Department of Motor Vehicle records, Albany, New York, checked by Special Agent Edward Lahey on June 17, 1974.

MURKIN'S EXPRESSO at about 12:50 PM carrying a brown paper bag.

(2) CARUSO was then observed entering the premises of 3601 Barnes Avenue (LEO PARANDA GROCERIES INC.) where he remained for about five minutes.

(3) After leaving the premises of 3601 Barnes Avenue, CARUSO drove to the vicinity of the ROSEWOOD LUNCHEONETTE at 3263 White Plains Road, where he was observed exiting his automobile carrying a brown paper bag. CARUSO then opened and went into the premises of the ROSEWOOD LUNCHEONETTE.

(4) At about 1:10 PM ANDREW DISIMONE was admitted into the ROSEWOOD LUNCHEONETTE by FRANK CARUSO. A review of records reveals that DISIMONE is known to the New York City Police Department as a "Known Gambler" under Number KG 5048. This was done by Special Agent Micek on April 30, 1974.

(5) At about 1:13 PM, "JOHN DOE", a Caucasian male, about 60-65 years old, about 5'9" tall, with full gray hair and a medium build was observed entering the ROSEWOOD LUNCHEONETTE.

(6) At about 1:49 PM, ROBERT DADDARIO was observed parking an automobile bearing New York license plate number 775 YBL and then entering the ROSEWOOD LUNCHEONETTE.

(7) At about 2:00 PM CARUSO and DADDARIO were observed exiting the ROSEWOOD LUNCHEONETTE and leave the vicinity in separate cars.

(8) At about 2:05 PM CARUSO was observed entering the premises of BURKE'S BAR AND GRILL, 3204 White Plains Road, Bronx, New York.

(9) At about 2:10 PM, MICHAEL DITURI was observed entering the premises of BURKE'S BAR AND GRILL.

(10) At about 2:12 PM, DITURI was observed exiting the premises of BURKE'S BAR AND GRILL. At about the same time "JOHN DOE" who was previously mentioned in

Paragraph 19(d)(5), exited the premises with a second man. "JOHN DOE" and the second man that exited were subsequently identified as ALDO MAZZARATI and GAETANO SOMMA, respectively. After they came out of BURKE'S BAR AND GRILL, MAZZARATI and SOMMA were observed in conversation for about five minutes in front of the premises and then re-enter.

e) On May 19, 1974, the following observations of FRANK CARUSO, and others, were made:

(1) At about 12:08 PM, FRANK CARUSO was observed exiting the premises of MIKE'S EXPRESSO, 3607 Bronxwood Avenue. Subsequently, he was observed going into a car, driving to the vicinity of the ROSEWOOD LUNCHEONETTE at 3263 White Plains Road, and parking the automobile. CARUSO then opened and entered the premises of the ROSEWOOD LUNCHEONETTE.

(2) At about 1:10 PM, two men, subsequently identified as ALDO MAZZARATI and GAETANO SOMMA, were observed being admitted into the premises of the ROSEWOOD LUNCHEONETTE by FRANK CARUSO.

(3) At about 1:38 PM, ROBERT DADDARIO was observed being admitted into the premises of the ROSEWOOD LUNCHEONETTE by FRANK CARUSO.

(4) At about 1:45 PM, MAZZARATI, SOMMA and CARUSO were observed leaving the ROSEWOOD LUNCHEONETTE. A photograph of these three men in proximity to each other was taken.

20. GAETANO SOMMA is known to the New York City Police Department as a Known Gambler" under Number KG 4533 and is recognized by the Federal Bureau of Investigation as a known member of an organized crime group.

21. ALDO MAZZARATI is known to the New York City Police Department as a "Known Gambler" under Number KG 4512 and is recognized by the Federal Bureau of Investigation as an alleged member of an organized crime group. The affiliations of both SOMMA and MAZZARATI are based upon nine years of investigation, respectively.

22. A third individual, also in the upper echelon of the gambling operation's hierarchy, according to the source described in Paragraph 23 following, is BENJAMIN DI MARTINO, DI MARTINO is known to the Federal Bureau of Investigation under Number FBI 1068509 and is recognized as a known member of an organized crime group based on fourteen years of investigation.

23. Additional information concerning the gambling business under investigation has been obtained from a confidential reliable informant, hereinafter referred to as Mr. A. This information, and the basis of Mr. A's reliability, is set forth below.

a) Since 1968, Mr. A has furnished information to a Special Agent of the Federal Bureau of Investigation at least once a week. His information has concerned gambling activities, hijacking, narcotics and fugitives, and it has proved accurate in each instance. Over 150 arrests, with a substantial number of resulting convictions, for each kind of the aforementioned illegal activities, have resulted from Mr. A's data. Specifically, regarding gambling activity, in the past Mr. A has provided information which has been corroborated by independent investigation that has led to a substantial number of arrests and convictions.

b) Mr. A has stated that a major gambling operation is being conducted in Bronx County. This operation is headed by GABRIANO SOLERA and ALDO MAZZARATI. A key figure in this operation is FRANK CARUSO who is a known gambler in the New York area with numerous gambling arrests.

c) Mr. A advised that on April 3, 1974 he observed BENJAMIN DEMARTINO speaking with FRANK BATTISTA, who has been previously mentioned in this affidavit.

FRANK CARUSO and BENJAMIN DEMARTINO sitting at a table in the premises of BUSTER'S BAR, 761 Burke Avenue, Bronx, New York,

engaged in conversation. Mr. A further stated that at one point in their discussion he overheard SOMMA talking about "plays and money".

e) Mr. A further advised that on April 10, 1974, he observed BENJAMIN DE MARTINO, FRANK CARUSO and EMIL ANATONE, a known gambler in New York who has been arrested numerous times for gambling violations, seated at a table in the premises of BUSTER'S BAR, 761 Burke Avenue, Bronx, New York. During this meeting, Mr. A observed CARUSO showing to a fourth unidentified individual what appeared to be an adding machine tape and overheard CARUSO saying something to the effect that there was a "short."

f) Mr. A further advised that on April 13, 1974, he observed BENJAMIN DE MARTINO, GAETANO SOMMA and EMIL ANATONE, sitting at a table in the premises of BUSTER'S BAR, 761 Burke Avenue, Bronx, New York and overheard them discussing "the figures."

g) Mr. A further stated that he had been told by a person he believed to be a controller in the gambling operation described that he, the controller, "worked for SOMMA and ALDO." The controller also told Mr. A that he had been paid on more than one occasion by SOMMA at the end of the week.

NEED FOR INTERCEPTION

24. Based upon the information alleged in all the preceding paragraphs and from his own experience during the past four years and the experience of the other Special Agents of the Federal Bureau of Investigation as well as that of members of the New York City Police Department, in investigating illegal gambling operations, your affiant knows that:

a) MICHAEL DITURI and the premises of MIKE'S EXPRESSO, play an integral part in the conduct and management of the illegal gambling business under investigation. This is supported by the fact that both BATTISTA and FARANDA, who are significant participants in the gambling operation, visit the premises on a daily basis and leave what your affiant believes to be "the ribbons" or records reflecting the daily operation of the gambling business in the premises. Further, some of DITURI'S conversations that were intercepted reveal that he has reviewed these records and has discussed them with other members of the combine.

b) It is also evident that FRANK CARUSO holds an even more significant and responsible position in the hierarchy of the gambling business and that he too uses the premises of MIKE'S EXPRESSO in his supervision of the gambling activities. This is supported by CARUSO'S frequent visits to the premises, and his recently having summoned FARANDA to that location to discuss difficulties that FARANDA had in his operation of the gambling activity.

c) It is also clear that CARUSO'S role is not limited to supervision of DITURI, FARANDA, VACCARELLI and BATTISTA. CARUSO also serves as the liaison to others, specifically, SOMMA, MAZZARATI, and DE MARTINO, who evidently hold even higher positions in the gambling operation's structure.

25. The informant previously mentioned hereinabove, Mr. A, is unwilling to testify in this matter because of fear for his physical safety.

26. Seizure of records, even if successful, probably would not be an adequate measure. My experience, and the experience of other Special Agents of the Federal Bureau of Investigation, has shown that raids of gambling establishments and searches of gamblers in the past have not resulted in the gathering of

sufficient physical or other evidence to prove all elements of federal offenses or the complete nature and scope of a gambling operation. I have learned through my experience and the experience of the other agents and officers previously described who have investigated gambling operations, that gamblers usually do not keep permanent records. Furthermore, even if such records are maintained temporarily, gamblers often are able to destroy them immediately prior to or during a physical search. Additionally, when such records have been seized in the past, generally, they have been insufficient to establish all elements of Federal offenses because they are difficult to interpret and are of little or no significance without more complete knowledge of the gambler's activity and method of operation. And finally, I also know from experience that a large scale gambling operation, such as the one described previously, utilizes numerous "banks" and "wire rooms" with different employees. The detection of such locations in itself does not disrupt the overall operation. If the higher ranking participants in the operation are insulated, my experience has also demonstrated that raids and searches, and arrests of participants of lower echelons are often just a temporary disruptive influence which is solved by replacing arrested participants and changing the locations used previously.

27. In the operation under investigation there are clear indications that there are several participants, specifically SOMMA, MAZZARATI and DE MARTINO, who are effectively insulated from the daily management of the gambling business. CARUSO appears to be their only link and my experience in this kind of investigation reveals that elaborate precautions are frequently taken to insure that persons of their stature in by participants in or by records maintained at the lower echelons.

28. As previously described in this affidavit, numerous physical surveillances of several of the above-described participants and locations have been conducted. However, in view of the nature of the offenses described herein, and the participants demonstrated reliance upon the use of wire and oral communication to conduct the gambling business, continued physical surveillance would do little more than establish meetings between the participants and offers scant likelihood of obtaining the evidence necessary for a successful prosecution of those individuals operating at the higher levels of the gambling operation. Due to this and the other factors previously alleged, including the demonstrated past inadequacy of raids and searches, the interception of communication as requested herein is the only available investigative technique which has a reasonable likelihood of securing the evidence necessary to prove the commission of the above-described violations by those co-conspirators, such as DE MARTINO, SORCIA, MAZZARATI, and others as yet unknown, who are in the upper levels of the gambling business and who profit the most from its operation.

29. Section 803 of Title VIII entitled "Syndicated Gambling of the Organized Crime Control Act of 1970, Public Law 91-452, 91st Congress, was approved October 15, 1970. It amended Chapter 95, Title 18, United States Code, by adding a new Section: Section 1955, Prohibition of Illegal Gambling Business. Section 601 of Title VIII of the act contains a special finding that illegal gambling involves a widespread use of and has an effect upon interstate commerce and the facilities thereof. This finding was also recognized in discussions between representatives of the Bronx County District Attorney's federal law enforcement officials, including your affiant. These discussions were held after it was realized that both the New York City Police Department in conjunction with the

Bronx County District Attorney's Office and the Federal Bureau of Investigation were initially conducting separate investigations of the above-described gambling business. The joint investigation was undertaken upon recognition of the fact that an investigation of the upper levels of the conspiracy involved herein would be likely to involve matters and offenses that were beyond the jurisdiction of the local prosecutor which could best be handled by federal authorities. In fact since that time, two inquiries, one from a neighboring New York county and another from New Jersey, reflect the scope of the illegal gambling business above-described and the need for federal law enforcement participation.

30. Despite the apparent identity of MIKE'S EXPRESSO Shop, as a public eating facility, the investigation reveals that few commodities, if any, are available for sale. Additionally, there has been virtually no patronage by members of the public. During the past two months six Special Agents of the Federal Bureau of Investigation and six Police Officers of the New York City Police Department have made passing observations or "spot checks" of the premises while they were in the vicinity of MIKE'S EXPRESSO conducting other surveillances in the course of this investigation. These "spot checks", over 60 in number, were in addition to several fixed surveillances of the premises conducted by members of the New York City Police Department. These agents and officers have advised me that during all the aforementioned observations they have not seen any members of the public make a purchase within the premises. Additionally, these observations reveal that none of the commodities usually found in such establishments, such as pastries, newspapers, magazines, or other similar items, premises. From these observations, and from the fact that no required licenses have been issued to either DITURI or the premises (see Paragraph 6) your affiant believes that the premises' role as an eating place is little more than a "front" and that it is rarely if ever frequented by the public. Further, your affiant believes, that, in view of the foregoing facts,

the operation of electronic monitoring devices from within the premises, will not be likely to infringe on members of the public at large. Additionally, any possibility of intercepting conversations of members of the public will be greatly minimized by the use of contemporaneous physical observations of the premises.

31. Inasmuch as the illegal gambling business described hereinabove is a continuing conspiracy, the evidence sought through the interception of wire communications to and from telephone number (212) 547-8607 and the oral communications emanating from the premises of MIKE'S ESPRESSO, at 3607 Bronxwood Avenue, Bronx, New York, will be obtained on a continuing basis on several days succeeding the first receipt of communications, which is the objective of this request. Therefore, it is requested that these interceptions not terminate when the sought for communications are first obtained but continue until interception reveals the identities and roles of the confederates of FRANK CARUSO, MICHAEL DITURI, FRANK BATTISTA, LOUIS VACCARELLI, LEO FARANDA, and others as yet unidentified, their places of operation and the nature and scope of the conspiracy involved therein or for a period of twenty (20) days from the date of the order, whichever is earlier.

CURRENT INFORMATION

The following facts are alleged below to reflect additional information and information developed recently in the course of the on-going investigation to supplement the facts contained in all the preceding paragraphs:

32. As shown more particularly in paragraphs 3(f)(7), 15 and 16, court authorized electronic surveillance of telephone communications being transmitted over telephone number 793-5522 was performed from March 14, 1964 to June 22, 1964. Analysis of this surveillance reveals that:

a) During the aforementioned period a total of approximately 132 telephone calls made from telephone number 798-5522 to telephone number 547-8607 were intercepted. These interceptions reveal LEO FARANDA in conversation with MICHAEL DITURI, and others as yet unknown, about various aspects of the illegal gambling business including monies wagered, amounts owed to or by bettors and other participants in the gambling business, the results of previous day's betting, the accuracy of records maintained in the gambling operation, and the odds or "lines" on various bets. One of the most recent was on June 29, 1974, at about 11:31 AM when LEO FARANDA called MICHAEL DITURI at telephone number 547-8607 and the following conversation ensued:

MIKE: Hello

LEO: Yeah MIKE, LEO.

MIKE: Yeah.

LEO: You got some figures

MIKE: Yeah - Brute collect 310.

LEO: Brute collect 310.

MIKE: Pete collect 40.

LEO: Pete collect 40.

MIKE: Marvin collect 50.

LEO: Marvin collect 50.

MIKE: Marty collect 430.

LEO: Marty collect 420.

MIKE: Dom pay 215.

LEO: Dom pay 215.

MIKE: North didn't come in with nothing yet?

LEO: No - he says he called, but he'd call like twenty five to, twenty to, and I was gone.

MIKE: Ah Joe (inaudible) this is for you
Joe collect 80.
LEO: Joe collect 80.
MIKE: Sonny collect 1200.
LEO: Sonny collect 1200.
MIKE: Mario pay 200.
LEO: Mario pay 200.
MIKE: Hill number 21, Al - no you don't need
that leads 22 dollars collect.
LEO: Hill collect 22 dollars.
MIKE: That's it.
LEO: Alright.

b) On June 30, 1974 at about 12:20 PM, an out-going telephone call was made from telephone number 798-5522 to telephone number 994-2007; which, as reflected more particularly in paragraphs 3(f)(6) and 9, is listed to LOUIS' EXPRESSO Shop. In the ensuing conversation LOUIS VACCARELLI received the daily "lines" or odds on various sporting events from an unidentified male known only as "JOHNNY."

c) The total amount of betting or "handle" processed by the above-described gambling operation is well in excess of \$2,000 in any single day. For example, an analysis of numerous telephone calls transacted over telephone number 798-5522 that were intercepted on June 15, 1974 reveals that approximately \$14,573 in betting was handled by the gambling operation for that day.

d) As recently as June 22, 1974, at about 2:09 PM, the interception of an incoming telephone call to telephone number 798-5522 reveals FRANK CARUSO and LEO FARANDA discussing among other aspects of the gambling business, what should be "MIKE handle it", and whether a new "spot" is getting much "numbers work."

33. As more fully described in paragraph 11 hereof, both LEO FARANDA and FRANK BATTISTA continue to visit the premises of MIKE'S EXPRESSO Shop and engage in the conduct previously mentioned in paragraph 11:

a) On June 24, 1974, FARANDA came to the premises at about 7:35 PM. At about 8:24 PM, BATTISTA came to the premises.

b) On June 25, 1974 FARANDA came to the premises at about 7:40 PM. At about 8:31 PM, BATTISTA arrived at the premises.

34. The identification of participants in the conversations described in all of the foregoing paragraphs were made by officers of the New York City Police Department who became familiar with the individuals and their voices in the course of the investigation.

WHEREFORE, I submit that the information supplied by the reliable informant and the information developed in the course of the investigation, as set forth in preceding paragraphs, provide sufficient facts to establish that FRANK CARUSO, MICHAEL DITURI, LEO FARANDA, FRANK BATTISTA, and LOUIS VACCARELLI and others as yet unidentified, have been, are, and will continue to commit offenses involving the use of the premises of MIKE'S EXPRESSO, located on the ground floor of 3607 Bronxwood Avenue, Bronx, New York, and the use of telephone line and instrument bearing number (212) 547-2607 listed to MIKE'S EXPRESSO and located in the aforementioned premises, which are an integral part of an illegal gambling business that is being conducted in violation of Article 225 of the New York State Penal Law, and in which five or more persons participate and which has a gross income of \$2,000 in any continuous operation for a period in excess of thirty (30)

days, thereby constituting a violation of Section 1955 of Title 18, United States Code, and a conspiracy to commit such offense in violation of Section 371 of Title 18, United States Code.

Julius J. Bohnvolonta
JULIUS J. BOHNAVOLONTA
 Special Agent
 Federal Bureau of Investigation

Sworn to and subscribed to before me
 this 14 day of July 1974.

CARL M. BORNSTEIN
 Notary Public, State of New York
 No. 31-0529369
 Qualified in New York County
 Commission Expires March 30, 1976

Robert A. Wood
UNITED STATES DISTRICT JUDGE

-----X
IN THE MATTER OF THE APPLICATION :
OF THE UNITED STATES FOR AN : Misc. No.
ORDER AUTHORIZING THE INTERCEPTION :
OF WIRE AND ORAL COMMUNICATIONS :
-----X

ORDER

AUTHORIZING INTERCEPTIONS OF WIRE AND ORAL COMMUNICATIONS

TO: Special Agents of the Federal Bureau
of Investigation
United States Department of Justice

Application under oath having been made before me by Carl M. Bornstein, a Special Attorney with the Organized Crime and Racketeering Section of the United States Department of Justice, assigned to the Southern District of New York, and an "investigative or law enforcement officer" as defined in Section 2510 (7) of Title 18, United States Code, for an Order authorizing the interception of oral and wire communications pursuant to Section 2518 of Title 18, United States Code, and full consideration having been given to the matters set forth therein, the Court finds:

a) There is probable cause to believe that MICHAEL DITURI, FRANK CARUSO, LEO FARANDA, LOUIS VACCARELLI, ROBERT D'ADDARIO, ALDO MAZZARATI, GAETANO SOMMA, and others as yet unknown have committed and are committing offenses involving oral communications and the use of telephone communication facilities to conduct an illegal gambling business in violation of Article 225 of the New York State Penal Law, and in which five or more persons participate and that has a gross revenue of \$2,000 in any single day and has been and remains in substantially continuous operation for a period in excess of thirty (30) days thereby being in violation of

Section 1955 of Title 18, United States Code, and are conspiring to commit such offenses in violation of Section 371 of Title 18, United States Code.

b) There is probable cause to believe that particular wire and oral communications concerning these offenses will be obtained through the interception, authorization for which is herewith applied for. In particular, these wire and oral communications will reveal the identities and roles of all participants in the illegal gambling business, the places and locations used in furtherance of the gambling business, the amounts of monies wagered, the amounts of monies owed to or by bettors and other participants in the gambling business, the distribution of contraband monies and records obtained by and used in the illegal gambling business, the methods of record-keeping and the meaning thereof, the methods of operation used by participants in the gambling business and the full nature and scope of the conspiracy involved therein.

c) Normal investigative procedures have been tried and reasonably appear to be unlikely to succeed if tried further.

d) There is probable cause to believe that the premises of the ROSEWOOD LUNCHEONETTE, located at 3263 White Plains Road, Bronx, New York have been used, are being used and will continue to be used by FRANK CARUSO, ROBERT D'ADDARIO, and others as yet unknown in connection with the commission of the above-described offenses.

e) There is probable cause to believe that the telephone located in the above-described premises, listed to MURRAY STEVENS EXPRESS CO. and bearing telephone number 212-231-9506, has been used, is being used and will continue to be used by FRANK CARUSO, ROBERT D'ADDARIO, and others as yet unknown in connection with the commission of the above described offenses.

WHEREFORE, it is hereby ordered that Special Agents of the Federal Bureau of Investigation United States Department of Justice, are authorized pursuant to application authorized by the Attorney General of the United States, the Honorable William B. Saxbe, to exercise the powers conferred on him by Section 2516 of Title 18, United States Code:

a) To intercept oral communications of FRANK CARUSO, ROBERT D'ADDARIO, and others as yet unknown concerning the above-described offenses at the premises of the ROSEWOOD LUNCHEONETTE, located at 3263 White Plains Road, Bronx, New York.

b) To intercept wire communications of FRANK CARUSO, ROBERT D'ADDARIO, and others as yet unknown concerning the above-described offenses to and from the telephone subscribed to by MURRAY STEVENS EXPRESS CO. bearing telephone number 212-231-9506, which is located in the aforesaid premises of the ROSEWOOD LUNCHEONETTE.

c) Such interception shall not automatically terminate when the type of communications described above in Paragraphs (a) and (b) have first been obtained, but shall continue until communications are intercepted which record the manner in which MICHAEL DITURI, FRANK CARUSO, LEO FARANDA, LOUIS VACCARELLI, ROBERT D'ADDARIO, and others as yet unknown participate in the illegal gambling business, the identities and roles of their confederates and their associates in the illegal gambling business, and the places and locations used in furtherance of the gambling business, the amounts of monies wagered, the amounts of monies owed to or by bettors and other participants in the gambling business, the distribution of contraband monies and records obtained by and used in the illegal gambling business, the methods of record-keeping and the meaning thereof, the methods of operation used by participants in the gambling business and the full nature and scope of the conspiracy involved therein, or for a period of twenty (20) days from the date of this order, whichever is earlier.

IT IS FURTHER ORDERED that the New York Telephone Company, a communication carrier as defined in Section 2510 (10) of Title 18, United States Code, shall furnish the applicant forthwith all information, facilities and technical assistance necessary to accomplish the interception unobtrusively and with a minimum of interference with the service that such carrier is according the person whose communications are to be intercepted, the furnishing of such facilities or technical assistance by the New York Telephone Company to be compensated for by the applicant at the prevailing rates.

PROVIDING THAT, this authorization to intercept wire and oral communications shall be executed as soon as practical after signing of this Order and shall be conducted in such way as to minimize the interception of communications not otherwise subject to interception under Chapter 119 of Title 18, United States Code, and must terminate upon attainment of the authorized objective or, in any event, at the end of twenty (20) days from the date of this Order. whichever is earlier.

PROVIDING ALSO, that interception of oral communications at the above described premises shall occur only when it has been determined that at least one of the above named subjects is at the above-described premises.

PROVIDING ALSO, that Carl M. Bornstein shall provide the Court with a report on the 5th, 10th and 15th day following the date of this Order showing what progress has been made toward achievement of the authorized objective and the need for continuing interception.

15 Aug 2011
DATE

S. Robert Price
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
IN THE MATTER OF THE APPLICATION :
OF THE UNITED STATES FOR AN ORDER : Misc. P
AUTHORIZING THE INTERCEPTION OF :
WIRE AND ORAL COMMUNICATIONS :
-----X

APPLICATION

Carl M. Bornstein, a Special Attorney of the United States Department of Justice, being duly sworn, states:

1. I am an "investigative or law enforcement officer. . . of the United States" within the meaning of Section 2510(7) of Title 18, United States Code, that is -- an Attorney authorized by law to prosecute or participate in the prosecution of offenses enumerated in Section 2516 of Title 18, United States Code.

2. Pursuant to the power conferred on him by Section 2516 of Title 18, United States Code, the Attorney General of the United States, the Honorable William B. Saxbe, has authorized this application for an order authorizing the interception of wire and oral communications. Attached to this application as Exhibit A are the letter of notification of approval from the Criminal Division, and a copy of the Attorney General's memorandum of authorization.

3. This application seeks authorization to intercept wire and oral communications of FRANK CARUSO, ROBERT D'ADDARIO, and others as yet unknown concerning offenses enumerated in Section 2516 of Title 18, United States Code. that is -- the conduct and management of an illegal gambling business in violation of Article 225 of the New York State Penal Law and in which five or more persons participate and that has a gross revenue of \$2,000.00 in

any single day and has been and remains in substantially continuous operation for a period in excess of thirty (30) days, thereby being in violation of Section 1955 of Title 18, United States Code, and a conspiracy to commit such offenses in violation of Section 371 of Title 18, United States Code, which have been and are being committed by MICHAEL DITURI, FRANK CARUSO, ROBERT D'ADDARIO, LEO FARANDA, LOUIS VACCARELLI, GAETANO SOMMA, ALDO MAZZARATI, and others as yet unknown.

4. I have discussed all the circumstances of the above offenses with Special Agent Jules J. Bonavolanta of the New York Office of the Federal Bureau of Investigation, who has directed and conducted the investigation herein, and I have examined the affidavit of Special Agent Bonavolanta (attached to this application as Exhibit B and incorporated herein) which alleges the facts therein to show that:

a) There is probable cause to believe that MICHAEL DITURI, FRANK CARUSO, ROBERT D'ADDARIO, LEO FARANDA, LOUIS VACCARELLI, GAETANO SOMMA, ALDO MAZZARATI, and others as yet unknown have committed and are committing offenses involving oral communications and the illegal use of telephone communication facilities for the purpose of conducting an illegal gambling business in violation of Sections 1955 and 371 of Title 18, United States Code.

b) There is probable cause to believe that particular wire and oral communications of FRANK CARUSO, ROBERT D'ADDARIO, and others as yet unknown concerning these offenses will be obtained through the interceptions thereof, authorization for which is herewith applied for. In particular, these oral and wire communications will provide evidence concerning all locations utilized in furtherance of the illegal gambling business, the distribution of monies and contraband records obtained

by and used in the illegal gambling business, and the identities and role of all participants in the commission of the aforesaid offenses.

c) The attached affidavit contains a full and complete statement explaining why normal investigative procedures reasonably appear unlikely to succeed if tried.

d) There is probable cause to believe that the telephone subscribed to by MURRAY STEVENS EXPRESS CO. and located in the premises of the ROSEWOOD LUNCHEONETTE located at 3263 White Plains Road, Bronx, New York and bearing telephone number 212-231-9506 has been and is being used and will continue to be used by FRANK CARUSO, ROBERT D'ADDARIO, and others as yet unknown in connection with the commission of the above-described offenses.

e) There is probable cause to believe that the premises of the ROSEWOOD LUNCHEONETTE located at 3263 White Plains Road, Bronx, New York, have been and are being used and will continue to be used by FRANK CARUSO, ROBERT D'ADDARIO, GAETANO SOMMA, ALDO MAZZARATI, and others as yet unknown in connection with the commission of the above-described offenses.

5. From his discussions with Special Agent Jules J. Bonavolonta, and from a review of Agent Bonavolonta's affidavit, affiant believes that authorization of the interception of oral communications in the premises of the ROSEWOOD LUNCHEONETTE, 3263 White Plains Road, Bronx, New York, as requested herein, will present virtually no possibility that the conversations of members of the public not involved in the illegal gambling business will be overheard. As indicated in Agent Bonavolonta's affidavit the premises of the ROSEWOOD LUNCHEONETTE, have been closed since July 20, 1974 and a sign on the premises indicates that it will not re-open until August 19, 1974 at the earliest. Coupling this to the fact that the investigating agents have already become familiar with the voices and appearances of the participants in the course of their investigation, protection of the public from

any unauthorized interceptions will be virtually assured by the contemporaneous physical surveillances that are planned already.

6. No previous application has been made to any Judge for authorization to intercept or for approval of interception of wire or oral communications involving any of the same persons, facilities or places specified herein except as enumerated below:

a) On July 11, 1974, the Honorable Robert J. Ward, United States District Judge, Southern District of New York, signed an order authorizing the interception of the oral communications of FRANK CARUSO, MICHAEL DITURI, and others as yet unknown, at the premises of MIKE'S EXPRESSO, 3607 Bronxwood Avenue, Bronx, New York; and also authorizing the interception of the wire communications of FRANK CARUSO, MICHAEL DITURI, LEO FARANDA, LOUIS VACCARELLI, FRANK BATTISTA, and others as yet unknown, transmitted over telephone line and number 212-547-8607, listed to MIKE'S EXPRESSO and located at the aforesaid premises.

b) The aforesaid order, my application in support thereof and the affidavit of Special Agent Bonavolonta, all of which are dated July 11, 1974, are incorporated herein by this reference and as annexed hereto as Exhibit "C" collectively.

c) Exhibit C, in Paragraph 6 of my application, sets forth a listing of earlier orders issued by Justices of the New York State Supreme Court which previously authorized interception of wire communications.

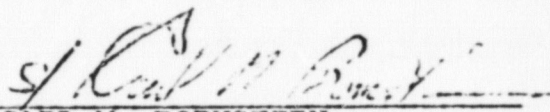
WHEREFORE, your affiant believes that probable cause exists to believe that MICHAEL DITURI, FRANK CARUSO, LEO FARANDA, LOUIS VACCARELLI, ROBERT D'ADDARIO, GAETANO SOMMA, ALDO MAZZARATI, and others as yet unknown are engaged in the commission of offenses involving the use of oral communications and wire communications to conduct an illegal gambling business in violation of the laws

of the State of New York, and in which five or more persons participate and which has a gross revenue in excess of \$2,000 in any single day, and which has been and remains in substantially continuous operation for a period of in excess of thirty (30) days, and a conspiracy to do so: that ROBERT D'ADDARIO, FRANK CARUSO, and others as yet unknown have used, and are using the premises of the ROSEWOOD LUNCHEONETTE, located at 3263 White Plains Road, Bronx, New York in connection with the commission of the above-described offenses; that FRANK CARUSO, ROBERT D'ADDARIO, and others as yet unknown have used, and are using the telephone subscribed to by MURRAY STEVENS EXPRESS CO., which is located in the premises of the ROSEWOOD LUNCHEONETTE, at 3263 White Plains Road, Bronx, New York, bearing telephone number 212-231-3506 in connection with the commission of the above-described offenses; that communications of FRANK CARUSO, ROBERT D'ADDARIO, and others as yet unknown concerning these offenses will be intercepted to and from the above-described telephone number and from the above-described premises; and that normal investigative procedures appear unlikely to succeed.

On the basis of the allegations contained in this application, and on the basis of the affidavit of Special Agent Bonavolonta, attached hereto, affiant requests this Court to issue an order, pursuant to the power conferred on it by the Section 2518 of Title 18, United States Code, authorizing the Federal Bureau of Investigation of the United States Department of Justice to intercept oral communications emanating from the above-described premises and to intercept wire communications transmitted to and from the above-described telephone until communications are intercepted which reveal the manner in which MICHAEL DITURI, FRANK CARUSO, LEO FARANDA, LOUIS VACCARELLI, ROBERT D'ADDARIO, GAETANO SOMMA, ALDO MAZZARATI, and others as yet unknown participate in the illegal gambling business, the identities and role of all their confederates and associates, their places of operation, the distribution of contraband monies and records obtained by and used in the illegal gambling business

and the full nature and scope of the conspiracy involved therein, or for a period of twenty (20) days from the date of that order, whichever is earlier.

It is further requested that this Court issue an order pursuant to the power conferred on it by Section 2518(4)(e) of Title 18, United States Code, directing that the New York Telephone Company, a communication common carrier as defined in Section 2510 (10) of Title 18, United States Code, shall furnish the applicant forthwith all information, facilities and technical assistance necessary to accomplish the interception unobtrusively and with a minimum of interference with the services that such carrier is according the person whose communications are to be intercepted, the furnishing of such facilities or technical assistance by the New York Telephone Company to be compensated for by the applicant at the prevailing rates.


CARL M. BORNSTEIN
Special Attorney
U. S. Department of Justice

Sworn to before me this

15th day of August 1974.



UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

Address Reply to the
Division Indicated
and Refer to Initial and Number

AUG 14 1974

Mr. Edward M. Shaw
Attorney-in-Charge
New York Strike Force
New York, New York

Dear Mr. Shaw:

This is to advise you that pursuant to the power conferred on him by Section 2516 of Title 18, United States Code, the Attorney General has authorized an application to be made to a Federal judge of competent jurisdiction for an order under Section 2518 of Title 18, United States Code, authorizing the interception, for a twenty (20) day period, of wire communications to and from the telephone bearing number 212-231-9506, and of oral communications from the premises known as Rosewood Luncheonette, both located at 3263 White Plains Road, Bronx, New York, in connection with the investigation into possible violations of Title 18, United States Code, Sections 1935 and 371, by Michael Dituri, Frank Caruso, Leo Faranda, Louis Vaccaroli, Robert D'Addario, Aldo Mazzarati, Gaetano Sorra, and others as yet unknown. A copy of the Attorney General's memorandum of authorization is attached hereto.

Accordingly, you or any other attorney on your staff who is an investigative or law enforcement officer of the United States within the meaning of Section 2510(7) of Title 18, United States Code, are authorized to make the above-described application.

Sincerely,

HENRY E. PETERSEN
Assistant Attorney General
Criminal Division

BY:

[Signature]
ROBERT W. FULFORD
Deputy Chief, Organized Crime
and Racketeering Section
Criminal Division

Enclosure

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

*Memorandum*TO : Assistant Attorney General
Criminal Division

DATE: AUG 14 1974

FROM : The Attorney General

SUBJECT: Authorization for Interception
Order Application

This is with regard to your recommendation that I authorize an application to a Federal judge of competent jurisdiction for an order under Title 18, United States Code, Section 2518, authorizing the interception, for a twenty (20) day period, of wire communications to and from the telephone bearing number 212-231-9506, and of oral communications from the premises known as Rosewood Luncheonette, both located at 7263 White Plains Road, Bronx, New York, in connection with the investigation into possible violations of Title 18, United States Code, Sections 1955 and 371, by Michael D'ituri, Frank Caruso, Leo Faranda, Louis Vaccarelli, Robert D'Addario, Aldo Mazzarati, Gaetano Sorra, and others as yet unknown.

Pursuant to the power conferred on me by Section 2516 of Title 18, United States Code, I hereby authorize the above-described application to be made by any investigative or law enforcement officer of the United States as defined in Section 2510(7) of Title 18, United States Code.

Wm B Saxbe

WILLIAM B. SAXBE
Attorney General

AUG 14 1974

Date

-----X
IN THE MATTER OF THE APPLICATION :
OF THE UNITED STATES FOR AN ORDER : Misc. No.
AUTHORIZING THE INTERCEPTION OF :
WIRE AND ORAL COMMUNICATIONS :
-----X

STATE OF NEW YORK))
COUNTY OF NEW YORK) SS:

AFFIDAVIT

JULIUS J. BONAVALONTA, Special Agent, Federal Bureau of
Investigation, New York, being duly sworn, states:

1. I am an "investigative and law enforcement officer..." of the
United States within the meaning of Section 2510(7) of Title 18, United States
Code -- that is, an officer of the United States who is empowered by law to conduct
investigations of, and to make arrests for, offenses enumerated in Section 2516
of Title 18, United States Code.

2. I make this affidavit in support of an application which seeks
authorization to intercept wire and oral communications involving the offense of
an illegal gambling business which is being conducted in violation of Article 225
of the New York State Penal Law and in which five or more persons are participating,
and which has been in substantially continuous operation for a period in excess of
thirty (30) days, and which has a gross revenue of \$2,000 in any single day,
thereby being in violation of Title 18, United States Code, Section 1955, and a
conspiracy to commit such offenses in violation of Title 18, United States Code,
Section 371, which have been committed and are being committed by MICHAEL
DI TURI, FRANK CARUSO, ROBERT D'ADDARIO, LOUIS VACCARELLI, LEO FARANDA,
ALDO MAZZARATI, GAETANO SOMMA and other persons associated with them whose
identities are as yet unknown.

3. I have supervised the conduct of the investigation of these offenses
and as a result of my present participation in this investigation and of reports

made to me by agents of the Federal Bureau of Investigation and officers of the New York City Police Department under my supervision, I am familiar with all the circumstances of the investigation. On the basis of that familiarity

I allege the facts below to show that:

- a) There is probable cause to believe that MICHAEL DI TURI, FRANK CARUSO, ROBERT D'ADDARIO, LOUIS VACCARELLI, LEON FARANDA, ALDO MAZZARATI, GAETANO SOMMA and others as yet unknown, have been and are now committing offenses involving oral communications and the illegal use of telephonic communications facilities for the purpose of conducting and directing an illegal gambling business which involves policy, and bookmaking on horse racing and other sporting events, in violation of Sections 1955 and 371 of Title 18, United States Code.
- b) There is probable cause to believe that evidence of those offenses, including the identities and roles of all participants in the illegal gambling business, other locations utilized in furtherance of the illegal gambling business, and the distribution of contraband records and monies utilized in, and obtained by the illegal gambling business, will be obtained through the interception of wire and oral communications; the authorization of said interceptions being applied for herein.
- c) There is probable cause to believe that the telephone line and instrument bearing number (212) 231-9506 located in the premises of the Rosewood Luncheonette, 3263 White Plains Road, Bronx, New York*, has been used, is being used, and will continue to be used by FRANK CARUSO and ROBERT D'ADDARIO in the commission of the offenses mentioned in paragraph 3(a) hereinabove.
- d) There is probable cause to believe that the premises of the ROSEWOOD LUNCHEONETTE, 3263 White Plains Road, Bronx,

* See Attachment A, attached hereto and incorporated herein by this reference.

New York, have been used, are being used, and will continue to be used, by FRANK CARUSO, ROBERT D'ADDARIO, GAETANO SOMMA and ALSO MAZZARATI, to conduct conversations that are in furtherance of the commission of the offenses described in paragraph 3(a), hereinabove.

e) Normal investigative techniques have been tried and reasonably appear unlikely to succeed if utilized further.

f) No previous applications are known to have been made to any judge for authorization to intercept or for approval of interception of wire or oral communications involving any of the persons, facilities or places specified herein except as enumerated below:

(1) On July 11, 1974, the Honorable Robert J. Ward, United States District Judge, Southern District of New York, signed an Order authorizing the interception of the oral communications of FRANK CARUSO, MICHAEL DI TURI, and others as yet unknown, at the premises of MIKE'S EXPRESSO, 3607 Bronxwood Avenue, Bronx, New York; and also authorizing the interception of the wire communications of FRANK CARUSO, MICHAEL DI TURI, LEO FARANDA, LOUIS VACCARELLI, FRANK BATTISTA, and others as yet unknown, transmitted over telephone line and number (212) 547-8607, listed to MIKE'S EXPRESSO and located at the aforesaid premises.

(2) The aforesaid order, application, and my affidavit in support thereof, are incorporated herein by this reference and are annexed hereto as Exhibit "C" collectively. Unless specified otherwise any reference hereinafter to paragraphs of Exhibit "C" will refer to paragraphs of my affidavit. Exhibit "C", paragraph 3(f),

sets forth a listing of orders issued by Justices of the New York State Supreme Court which previously authorized interception of wire communications.

BACKGROUND INFORMATION

4. Hereinafter, unless otherwise specified, all telephone numbers are in the (212) area as designated by the New York Telephone Company and all addresses are on streets and avenues in the County of the Bronx, State of New York. Also, all excerpted conversations are substantially verbatim but are not to be considered as exact. Furthermore, the investigation in this matter has been conducted both by agents of the Federal Bureau of Investigation and police officers assigned to the Public Morals Division (PMD) of the Police Department of the City of New York acting under the jurisdiction of the Office of the District Attorney, in and for the County of the Bronx, State of New York. Since about the middle of April, 1974, these officers and agents have conducted this investigation jointly under the personal direction and supervision of your affiant.

5. As reflected in Exhibit "C" hereof, earlier investigation established that the premises of MIKE'S EXPRESSO, 3607 Bronxwood Avenue, Bronx, New York, was the hub of the day-to-day operation of the illegal gambling business under investigation. That investigation also revealed that FRANK CARUSO not only supervised and generally managed the daily conduct of the gambling business but was also the link to those in higher echelons who were insulated from daily contact with the routine operation of the gambling combine. The more current investigation, performed in conjunction with the monitoring conducted pursuant to the court order described in paragraph 3(f) hereof, supports these earlier indications and also reveals that FRANK CARUSO utilizes the premises of the ROSEWOOD LUNCHEONETTE and the telephone located therein to both manage the business and meet with his superiors in the illegal gambling business.

6. The ROSEWOOD LUNCHEONETTE is located in a one-story building with an entrance bearing the address of 3263 White Plains Road, Bronx, New York.

The premises of the luncheonette also has a side entrance on Rosewood Avenue bearing the address of 688 Rosewood Avenue, Bronx, New York.

(a) Investigation by Special Agent Edward Lahey, who reviewed the records of the Permit Department of the New York City Board of Health, revealed that the last annual renewal for an annually-issued restaurant permit for the ROSEWOOD LUNCHEONETTE, 3263 White Plains Road, Bronx, New York, was in 1954 (Permit No. 18189). The original permit (No. 107842) was issued to Jacob Ajermian at 3263 White Plains Road, Bronx, New York.

(b) An inspection of the records of the Consolidated Edison Company, by Special Agent Frank X. Gantley reveals that the electric bill at 3263 White Plains Road, Bronx, New York (the ROSEWOOD LUNCHEONETTE) is billed to Florence Caruso and has been so billed since August, 1966. Paragraph 17(a) of Exhibit "C" attached hereto indicates that Florence Caruso is related to the FRANK CARUSO described herein.

(c) Observations of the interior of the above-described ROSEWOOD LUNCHEONETTE, from the interior, were made by affiant in May, 1973 and by Police Officer John M. Kleppel, New York City Police Department, and since July 20, 1974, by Special Agents of the Federal Bureau of Investigation, from the exterior, reveal that the premises of the ROSEWOOD LUNCHEONETTE, described above, consists of a luncheonette area on the White Plains Road entrance and a private, partitioned area to the rear of the luncheonette.

7. A check of telephone company records by Special Agent Christopher Scaturro on July 29, 1974 reveals that telephone number (212) 231-9506 is listed to Murray Stevens Express Company at 688 Rosewood Avenue, Bronx, New York. The records also reveal that the telephone is a private line. Observations of the premises, described in paragraph 6, hereof, reveal that there is no sign reflecting the business of Murray Stevens Express Company, nor is there any other indication of any business being conducted by an express company at that location whatsoever.

(a) Observations by Special Agents Walter Smith and Gary Skogland have revealed that since July 20, 1974, only FRANK CARUSO and ROBERT D'ADDARIO have used the side entrance at 688 Rosewood Avenue, Bronx, New York, the address of

the Murray Stevens Express Company. Between July 20, 1974 and August 7, 1974, no delivery truck or other vehicles has been observed by Special Agents of the Federal Bureau of Investigation surveilling the above premises, loading, unloading or parked in the immediate vicinity of 688 Rosewood Avenue, Bronx, New York.

(b) A record check of the Bronx Telephone Directory and the New York Telephone Company by Special Agent Christopher Scaturro indicates that no telephone is listed to the ROSEWOOD LUNCHEONETTE, described above, and that the only listed telephone at 688 Rosewood Avenue, Bronx, or 3263 White Plains Road, Bronx, is telephone number (212) 231-9506, a non-public telephone.

8. Observations in the past reveal that the premises of the ROSEWOOD LUNCHEONETTE are normally public in that food and beverages are served to the public. However, as more particularly described in paragraph 12(d), on July 20, 1974 a sign was observed which reflected that the premises were closed to the public until August 19, 1974, and the premises have been observed to be gated and chained since that date.

9. During the authorized period of surveillance pursuant to the court order described in paragraph 3(f), hereof, numerous telephone calls reveal that the gambling concern described in Exhibit "C" has continued to operate during that period from July 11, 1974 to July 31, 1974. More specifically, LEO FARANDA spoke to MICHAEL DI TURI in the course of approximately 126 conversations. LOUIS VACCARELLI spoke to MICHAEL DI TURI in the course of approximately nine (9) conversations. FRANK CARUSO spoke to MICHAEL DI TURI during approximately 21 conversations. During approximately six (6) conversations FRANK CARUSO spoke to LEO FARANDA over telephone number 547-8607. Additionally, ROBERT D'ADDARIO spoke to MICHAEL DI TURI during approximately eight (8) conversations. All of the aforementioned conversations relate to various aspects of the gambling business, including the amounts of monies wagered, the amounts of monies owed to or by bettors and other participants in the gambling business and other locations and places used in furtherance of the gambling business.

10. The following telephone conversations, reported below, were monitored pursuant to the Order of this Court (Exhibit "C"), and demonstrate: a) that the gambling operation previously described in Exhibit "C" continues to operate; b) that FRANK CARUSO holds a managerial role in the daily operation of the illegal gambling business; and c) that FRANK CARUSO utilizes telephone number 231-9506, which is located in the premises of the ROSEWOOD LUNCHEONETTE, as well as the premises of the ROSEWOOD LUNCHEONETTE in furtherance of the illegal gambling business previously described.

a. On July 13, 1974, at approximately 1:08 p.m., an incoming telephone call from FRANK CARUSO to MICHAEL DI TURI was monitored by Special Agent Charles R. Queener over telephone line 547-8607. In that conversation FRANK CARUSO and MICHAEL DI TURI discuss a mix-up in baseball pitchers as well as monies won and lost by bettors and other participants in the gambling business. CARUSO instructs DI TURI to "finish up the week, Monday through Sunday" and says that he will call DI TURI when he returns. CARUSO tells DI TURI that he will leave the next day and "I won't be in until about 5 o'clock tomorrow night." DI TURI responds by stating that he will call CARUSO at CARUSO's home tomorrow. This conversation was preceded by an introduction by a telephone company operator which indicated that it was a long distance call.

b. On July 13, 1974, at approximately 1:11 p.m., an incoming call from an unidentified male, "JAKE" DOE to MICHAEL DI TURI was monitored by Special Agent Charles R. Queener over telephone line 547-8607. "JAKE" called to discuss a problem. DI TURI tells "JAKE" that he (DI TURI) doesn't know what to do and states that he (DI TURI) is "in the middle over here" and that "JAKE" will have to straighten it out with the "other guy." "JAKE" then responds, "I gotta straighten it out with him?" "JAKE"

asks DI TURI if the "other guy" has "come back yet" and DI TURI responds "No, he didn't come back yet." (Based upon his seven months investigation of this illegal gambling business the affiant believes that the "other guy" mentioned by MICHAEL DI TURI referred to FRANK CARUSO.)

c. On July 13, 1974, at approximately 4:14 p.m., EMIL ANNATONE placed an incoming call to MICHAEL DI TURI which was monitored by Special Agent Charles R. Quener over telephone line 547-8607. ANNATONE asks DI TURI when "he" is coming in. DI TURI answers "tomorrow." ANNATONE tells DI TURI he is asking because he wants to know where to "drop the paper off tonight." ANNATONE then asks for the whereabouts of "the kid." DI TURI says he doesn't know where he is. (Based upon his seven months of experience in investigating this illegal gambling business, your affiant believes that ANNATONE's reference to "the kid" refers to ROBERT D'ADDARIO.) ANNATONE then explains that he will leave the paper at the usual place. DI TURI then concurs and says in substance, "to leave it at CARMINE'S."

d. On July 14, 1974, at approximately 11:46 a.m., an outgoing telephone call from MICHAEL DI TURI to FRANK CARUSO was monitored by Special Agent John J. Simmons over telephone

line 547-8607. A check of telephone company records by members of the New York City Police Department revealed that DI TURI called CARUSO at his home in Rye, New York. In this conversation DI TURI requests help in formulating the baseball "line." CARUSO tells DI TURI that he will work it out for DI TURI and DI TURI then gives CARUSO the necessary information after which CARUSO makes the necessary changes, telling DI TURI, "all right, do it this way." (Based upon the affiant's four years experience investigating gambling operations the term "line" refers to the orders to be paid to the bookmaker or the point spread in some sports.)

(e) On July 15, 1974, at approximately 11:46 a.m., an outgoing telephone call from MICHAEL DI TURI to FRANK CARUSO, at telephone number 231-9506 was monitored by Special Agent Richard W. Baker, Jr. over telephone line 547-8607. In this conversation, DI TURI tells CARUSO that "BUTCH" DOE (further identification unknown) wanted to talk to CARUSO about a problem, specifically, that "BUTCH" felt that CARUSO had double-charged him for something. CARUSO tells DI TURI to have "BUTCH" come to the Rosewood Luncheonette. DI TURI then asks CARUSO if "BUTCH" should leave his "work" at DI TURI's place. CARUSO responds, "Yeah, let him leave the work but let him take them slips with him."

f. On July 16, 1974, at approximately 12:59 p.m., an incoming telephone call from an unknown male who identified himself as "RED LONG ISLAND" to MICHAEL DI TURI was monitored by Special Agent Richard W. Baker, Jr. over telephone line 547-8607. In this conversation "RED LONG ISLAND" requests his "figure" for last week. DI TURI says he'll talk to "him" about it. Immediately thereafter two telephone calls were monitored by Special Agent Baker over telephone line 547-8607. At approximately 1:02 p.m.

MICHAEL DI TURI placed an outgoing call to FRANK CARUSO at telephone number 231-9506 which is more particularly described in paragraph 7. CARUSO tells DI TURI that he will call DI TURI back. At approximately 1:17 p.m. DI TURI received an incoming call from FRANK CARUSO, in which conversation CARUSO tells DI TURI that he cannot locate "RED'S" figure, and instructs DI TURI what to tell "RED" when he calls back. (The term "figure", based on the affiant's four years experience investigating gambling operations refers to the total betting handle for the day or week computed after wins and losses are figured.)

g. On July 17, 1974, at approximately 11:56 a.m., FRANK CARUSO spoke to LEO FARANDA over telephone line 547-8607 which was monitored by Special Agent Richard W. Baker, Jr. The relevant portion of that conversation is set forth below:

LEO Hello

FRANK Yeah - (gives Leo baseball line)

FRANK Listen

LEO Yeah

FRANK What happened with that "North?"

LEO Yeah I got, I just called, uh, your place over there. Bobbie answered the phone. Well, I didn't want to bring it there, Frank, because I get here a little too early, you know.

FRANK Yeah

LEO So I'd told my wife, I say as soon --

FRANK No, I meant, uh, he hasn't called in no more action.

LEO I don't know, I saw the guy last night, when I went over. Maybe the guy lost a couple of races, taking a rest, he probably, he'll bet

FRANK Yeah

LEO I'm speaking to the guy, you know, he'll come up with the cash.

FRANK Yeah

LEO He says, I lost last week, I lost a couple days. Anyway, he's coming back.

FRANK Yeah!

LEO Now, with this cash, now, where you gonna be, up the luncheonette?

FRANK You can leave it there, I don't have to be there. You know what I mean.

LEO I'm gonna send my wife

FRANK All right.

LEO You understand, because --

FRANK When is she gonna be there?

LEO Well, as soon as she knows you're gonna be there.

FRANK All right. Tell her within a half hour.

LEO Yeah, because she's gonna call me.

FRANK All right.

LEO All right

FRANK Right.

LEO I'll tell her to bring it right there.

FRANK All right, okay Leo

LEO All right

FRANK Hold on a minute

MIKE Mike comes on and gives Leo the payoffs and collects.

After this conversation CARUSO turned the telephone over to DI TURI who engaged in a conversation with FARANDA concerning payoffs and collections of the gambling operation.

h. On July 18, 1974, at approximately 12:12 p.m., FRANK CARUSO spoke on the telephone over telephone line 547-8607 to LEO FARANDA which was monitored by Special Agent George R. Small. In this conversation CARUSO gives FARANDA the baseball "line" for the day. After this, CARUSO asks FARANDA if he needs money and FARANDA replies that he doesn't need money but "TONY" is "... a little short over there." FARANDA tells CARUSO that "TONY" needs a "couple of hundred" and CARUSO tells FARANDA to give the money to "TONY" and that he (CARUSO) will give it to FARANDA.

i. On July 20, 1974, at approximately 12:22 p.m., FRANK CARUSO spoke to LEO FARANDA in a conversation which was monitored by Special Agent Charles R. Queener over telephone line 547-8607. CARUSO gives FARANDA the baseball "line" for the day. Following this, CARUSO asks FARANDA if he has any money for him and FARANDA replies, "Yeah, just Sonny, that's all."

j. On July 21, 1974, at approximately 12:25 p.m., an incoming call to MICHAEL DI TURI from LEO FARANDA over telephone line 547-8607 was monitored by Special Agent Charles R. Queener. This conversation, in which FARANDA asks DI TURI whether CARUSO is present is set forth below:

MIKE Hello

LEO Yeah, Mike, is he there?

MIKE Yeah.

LEO Let me talk to him

FRANK Yeah.

LEO Yeah, this is Leo.

FRANK Yeah.

LEO Uh, I, you know what's his name, I just talked, gave him the line, Tony.

FRANK Yeah.

LEO And he says if he, if he wants, I says, I guess so, I'm not sure. I says if he wants, can he knock off all the work to you today? You know, he's, he's in.. uh.

FRANK Yeah.

LEO In a - uh - bit of ..

FRANK Yeah.

LEO In other words he wants to --

FRANK Yeah

LEO Give you --

FRANK Just, just tell 'im, uh, a hundred percent edge.

LEO Yeah, he wants all the work he gives me today.

FRANK Yeah, all right.

LEO He doesn't want to get knocked off his work.

FRANK All right.

LEO Now that he's ahead, he wants to stay ahead.

FRANK All right, just tell 'im a hundred percent edge.

k. On July 21, 1974, at approximately 1:02 p.m., FRANK CARUSO spoke to MICHAEL DI TURI in a telephone conversation which was monitored by Special Agent Charles R. Quenert over telephone line 547-8607. In this conversation CARUSO tells DI TURI that he wants to see LOUIS at LOUIS's place but that LOUIS is not there yet. DI TURI tells CARUSO that he has a key and CARUSO says "all right, I'll pass by." (Based upon your affiant's experience in investigating this gambling operation, it is believed that "Louis's place" refers to LOUIS EXPRESSO SHOP which is more particularly described in paragraph 3(f)(6) of Exhibit "C".)

11. On July 24, 1974, JOHN GENCO, a pick-up man in the subject gambling business, was apprehended by New York City Police officers assigned to the Bronx Public Morals Division. This occurred at approximately 2:25 p.m. and approximately 4,000 "plays" were found in GENCO's possession. The following telephone conversations and observations reveal the structure of the gambling operation under investigation and further demonstrate the control of the combine by FRANK CARUSO. All telephone calls were monitored over telephone line 547-8607.

a. At 2:38 p.m. FRANK CARUSO calls MICHAEL DI TURI and asks if "that kid" came. DI TURI advises CARUSO that he didn't come yet. CARUSO notes that "the kid" is late and instructs DI TURI to call LEO and ask him if "the kid" passed there.

b. At approximately 2:38 p.m. MICHAEL DI TURI called LEO FARANDA and the following conversation ensued:

LEO Hello

MIKE Yeah, Leo

LEO Yeah

MIKE The kid pick you up yet?

LEO Oh yeah, a long time ago.

MIKE Yeah? How long ago?

LEO About - he left about a quarter after two.

MIKE Oh yeah?

LEO He didn't pick you -

MIKE Not yet. All right. Okay.

c. At approximately 2:40 p.m., DI TURI called telephone line 231-9506 and received a busy signal.

d. At approximately 2:42 p.m. LOUIS VACCARELLI called MICHAEL DI TURI and the following conversation ensued:

MIKE Did that kid pick you up yet?

LOU No.

MIKE Didn't he come yet?

LOU No.

MIKE Oh, shit. He's not here yet either. But he's late over there, ain't he?

LOU Yeah, he's late.

MIKE All right.

LOU That's what the other guy just asked me too.

MIKE All right.

e. At approximately 2:43 p.m., MICHAEL DI TURI called telephone line 231-9506 and spoke to ROBERT D'ADDARIO and the following conversation ensued:

MIKE The kid --

ROBERT Yeah, he should --

MIKE He didn't know, who... LEO says he left at 2:15.

ROBERT I know, I spoke to him.

MIKE Yeah.

ROBERT He didn't go to CARMINE either.

MIKE Maybe something happened.

ROBERT I'll have to look around for him.

MIKE What does he want me to do with this here, anything over here, or what?

ROBERT Yeah, all right. Hold on to it, that's all.

f. Shortly after this telephone conversation, police officers of the Bronx Public Morals Division observed ROBERT D'ADDARIO driving in the vicinity of both the ROSEWOOD LUNCHEONETTE and MIKE'S EXPRESSO SHOP in an automobile which they determined from New York State Department of Vehicles records to be registered to FRANK CARUSO.

g. At approximately 2:47 p.m., MICHAEL DI TURI called FRANK CARUSO at telephone number 231-9506 and the following conversation ensued:

FRANK Yeah

MIKE Yeah

FRANK Yeah

MIKE I think there's problems.

FRANK Why?

MIKE 224th

FRANK 224th?

MIKE Yeah, yeah (one word unintelligible) you know.

FRANK They're up there?

MIKE Yeah. (In background: 'Come on Benny, hurry up, move with that, get out.') Yeah, I just called.

FRANK You figure that's where the kid is?

MIKE I don't know, maybe he's there too, because, uh, I just called, and, uh, CARMINE just called. He said he called there and sounded like a funny guy answered. I called back, I called over there and I asked, 'let me speak to Vito.' He says, 'he's not here', the other guy did.

FRANK Well, then they're in there

MIKE Yeah.

FRANK In other words, uh -

MIKE This kid, they must have this kid, too.

FRANK What time is, that kid guy go there about?

MIKE Geez, I don't know.

FRANK Quarter after two, like that?

MIKE He left, uh, what you call it, quarter after two.

FRANK Right.

MIKE So he must --

FRANK And then he must've went up there?

MIKE I guess so.

FRANK (Italian)

MIKE 'Cause he's not here so they must've nailed him.

FRANK With the (obscene) work.

MIKE Yeah.

FRANK BOBBY's on his way over there.

MIKE He's coming over here too?

FRANK Yeah.

MIKE All right.

h. At approximately 2:47 p.m., MICHAEL DI TURI received a call from FRANK CARUSO who instructs him to call LEO FARANDA and to tell LEO to bring his "duplicates" to MIKE's place..

1. Immediately after the preceding call MICHAEL DI TURI called LEO FARANDA and the following conversation ensued:

LEO Hello

MIKE Yeah, Leo

LEO Yeah.

MIKE Have you got your duplicate copy there?

LEO Of what?

MIKE Of the work, Leo. Your copy for today's work, you got the duplicates?

LEO Yeah.

MIKE Run it up. You have to run it up here right away.

LEO Okay.

J. Approximately 3:51 p.m., EMIL ANNATONE called MICHAEL DI TURI and the following conversation ensued:

JOE Hello

EMIL Mike?

JOE Yeah.

EMIL This is Emil, is Mike there?

JOE Hold on.

MIKE Hello.

EMIL Is he around by any chance?

MIKE He left a little while ago.

EMIL That kid Johnny, what'd he get nailed?

MIKE I think we've got problems, yeah.

EMIL Yeah, because you know, I ain't got all the stuff and, uh -

MIKE Who you missing?

EMIL I'm missing, uh, your end, I'm missing --

MIKE What you mean, like me?

EMIL You, uh, Bill, Walt ..

MIKE Yeah.

EMIL I'm missing the heavy stuff.

MIKE Well, that got, uh what you call - it might have some, you know.

EMIL Who?

MIKE We might have some of it.

EMIL Well, all right. Well then, what did he say, anything?

MIKE Well, nothing. Unless he's coming around to see what the fuck is what.

EMIL Yeah, all right. I'll go in with what I got and then we work it out from there.

MIKE All right.

EMIL What won so far?

MIKE 42

EMIL All right.

12. Observations conducted in the course of the investigation further establish that the premises of the ROSEWOOD LUNCHEONETTE at 3263 White Plains Road, Bronx, New York, are frequently visited and used by FRANK CARUSO to hold conversations with other participants in the gambling operation. Additionally, these observations and other informant information reflected in paragraph 13, indicates that FRANK CARUSO continues to be associated with and meets with other persons whose higher role in the echelon of the gambling business insulates them from the day-to-day operations. The observations reflect that CARUSO meets with both subordinates at the ROSEWOOD LUNCHEONETTE and also with GAETANO SOMMA and ALDO MAZZARATI, whose backgrounds are set forth in paragraphs 20 and 21 of Exhibit "C".

a. On June 30, 1974, the following observations were made by Special Agents Walter Smith and Gary Skogland. It should be noted that June 30 was a Sunday and that the premises of the ROSEWOOD LUNCHEONETTE were not open for business. At 1:21 p.m. MIKE GAGLIANO was observed exiting the ROSEWOOD LUNCHEONETTE and left the area. At 1:30 p.m. ALDO MAZZARATI entered the luncheonette. At 1:31 p.m. GAGLIANO returned and re-entered the premises of the ROSEWOOD LUNCHEONETTE. At 1:35 p.m. ROBERT D'ADDARIO exited the luncheonette and went north on White Plains Road. At 1:39 p.m. ANDREW DISIMONE and MICHAEL DIRIENZO entered the luncheonette. (DISIMONE is a known "gambler" to the New York City Police Department. See paragraph 19 (d)(4) of Exhibit "C".) At 1:40 p.m. ROBERT D'ADDARIO re-entered the luncheonette carrying a white envelope approximately 8" x 10". At 1:45 p.m. a

Black male, 6' to 6'2", 200-220 lbs., wearing gold-rimmed glasses, was admitted to the premises of the luncheonette by D'ADDARIO. He left about two minutes later. At about 1:57 p.m. DISIMONE and DIRIENZO exited the luncheonette and left the area. At about 2:05 p.m. MICHAEL DI TURI entered the luncheonette carrying a small white paper bag. At about 2:06 p.m. MAZZARATI and GAETANO SOMMA entered the luncheonette. At about 2:09 p.m. GAGLIANO left the luncheonette and at about 2:10 p.m. MAZZARATI and SOMMA exited the luncheonette. MAZZARATI and SOMMA then left the area. At 2:12 p.m. CARUSO and DI TURI were observed conversing in front of the premises of the ROSEWOOD LUNCHEONETTE until 2:15 p.m. when DI TURI left the area.

b. On July 7, 1974 the following observations were made by Special Agents Walter Smith and Gary Skogland:

At 12:30 p.m. FRANK CARUSO was observed unlocking the gate and door to the premises of the ROSEWOOD LUNCHEONETTE and entering. At 1:10 p.m. D'ADDARIO entered the luncheonette and was followed by GAGLIANO at about 1:14 p.m. At approximately 1:25 p.m. MAZZARATI entered the premises of the ROSEWOOD LUNCHEONETTE. At about 1:27 p.m. GAGLIANO exited the luncheonette and left the area. At about 1:34 p.m. DISIMONE and DIRIENZO entered the luncheonette and MAZZARATI was observed leaving the luncheonette at approximately 1:39 p.m. walking north on White Plains Road. At about 1:41 p.m. CARUSO exited the luncheonette, looked north on White Plains Road and then re-entered the luncheonette. At about 1:47 p.m. DISIMONE and DIRIENZO exited the luncheonette and left the area. At about 2:00 p.m. DI TURI entered the luncheonette and remained until 2:31 p.m. when he exited the premises and left the area. At approximately 2:35 p.m. D'ADDARIO exited the luncheonette and emptied a large brown bag into a garbage can in front of the premises and then re-entered the premises. About one minute later he repeated this process. At about 2:40 p.m. LEO FARANDA entered the luncheonette and remained inside until about 2:45 p.m. when the luncheonette was closed and locked by D'ADDARIO and CARUSO, GAGLIANO. FARANDA and D'ADDARIO left the premises and the area by automobile.

c. On July 17, 1974, the following observations were made:

At 12:25 p.m. FRANK CARUSO was observed entering the premises of the ROSEWOOD LUNCHEONETTE. At 12:45 p.m. CARUSO was observed in front of the premises of the ROSEWOOD LUNCHEONETTE in conversation with ROBERT D'ADDARIO.

d. On July 20, 1974, the following observations were made:

At 12:25 p.m. FRANK CARUSO was observed in MIKE's EXPRESSO at 3607 Bronxwood Avenue, Bronx, New York. About one minute later, at approximately 12:26 p.m. CARUSO left the vicinity of MIKE's EXPRESSO. At about 12:30 p.m. CARUSO was observed opening the premises of the ROSEWOOD LUNCHEONETTE, at which time there was a sign on the door reading "Closed for vacation - be back August 19." At 12:40 p.m. CARUSO was observed opening the door of the ROSEWOOD LUNCHEONETTE and admitting an unknown Caucasian male. At 12:48 p.m. ROBERT D'ADDARIO was observed entering the premises. At 1:19 p.m. CARUSO and D'ADDARIO were observed exiting the premises of the ROSEWOOD LUNCHEONETTE and leaving the area thereof. At 1:45 p.m. CARUSO and D'ADDARIO returned and re-entered the premises of the ROSEWOOD LUNCHEONETTE. At 1:49 p.m. D'ADDARIO was observed exiting the premises and beginning to do work on his automobile parked nearby. At approximately 1:50 p.m. GAETANO SOMMA was observed to arrive and to be let into the premises of the ROSEWOOD LUNCHEONETTE by CARUSO. At about the same time, D'ADDARIO stopped work on his car and re-entered the premises of the ROSEWOOD LUNCHEONETTE. At about 1:51 p.m. MIKE GAGLIANO was observed being admitted to the ROSEWOOD LUNCHEONETTE by ROBERT D'ADDARIO. At about 1:54 p.m. CARUSO and SOMMA exited the ROSEWOOD LUNCHEONETTE and were observed talking while on the sidewalk in front of the premises. At about 1:55 p.m. GAGLIANO and D'ADDARIO were observed exiting the luncheonette. GAGLIANO left the area while D'ADDARIO joined CARUSO and SOMMA in conversation. D'ADDARIO re-entered the premises at about 1:56 p.m. SOMMA and CARUSO remained in conversation until about 2:10 p.m., when SOMMA left the area by automobile. At about 2:15 p.m. CARUSO re-entered the premises of the ROSEWOOD LUNCHEONETTE and remained inside until approximately 2:32 p.m. when he left the premises and locked the door.

e. On July 21, 1974, the following observations were made:

At about 1:07 p.m. FRANK CARUSO was observed exiting and securing the premises of the ROSEWOOD LUNCHEONETTE and leaving the area.

Concurrent observations in the vicinity of BURKE's BAR AND GRILL, located at 3204 White Plains Road, Bronx, New York, revealed the following:

At 1:35 p.m. ALDO MAZZARATI was observed on the sidewalk in front of BURKE's BAR. At 1:52 p.m. DIRIENZO and DISIMONE arrived and entered BURKE's BAR with ALSO MAZZARATI. At 2:02 p.m. DIRIENZO and DISIMONE left the area. At 2:05 p.m. LEO FARANDA arrived at BURKE's BAR and was greeted in the street by ALDO MAZZARATI who had come out of the premises and both re-entered BURKE's BAR. At 2:08 p.m. FARANDA left BURKE's BAR and at 2:09 p.m. MAZZARATI was observed in front of BURKE's BAR where he continued to pass the time until 2:35 p.m. At 2:35 p.m. FRANK CARUSO arrived, met MAZZARATI and both entered BURKE's BAR. At 2:46 p.m. CARUSO exited the bar and left the area. At 2:47 p.m. GAETANO SOMMA and MAZZARATI exited BURKE's BAR and left the area.

f. The following observations were made on July 22, 1974:

At about 12:10 p.m. MICHAEL DI TURI was observed entering the premises of LOUIS' EXPRESSO SHOP. Shortly thereafter, FRANK CARUSO entered the premises of LOUIS' EXPRESSO SHOP. About 15-20 minutes later, DI TURI exited the premises and left the area. Shortly after that CARUSO was observed leaving LOUIS' EXPRESSO SHOP, going to the vicinity of the ROSEWOOD LUNCHEONETTE and entering those premises.

g. On July 23, 1974, observations revealed that at 12:03 p.m. FRANK CARUSO left the premises of the ROSEWOOD LUNCHEONETTE and left the area. At approximately 12:08 p.m. D'ADDARIO was observed opening the side door of the premises of the luncheonette (688 Rosewood Avenue) and entering the premises. At about 12:10 p.m. a female subsequently identified as NICOLA SOMMA was observed parking an automobile near the side door of the luncheonette, waving her hand and then being admitted by ROBERT D'ADDARIO, who admitted her to the premises of the ROSEWOOD LUNCHEONETTE through the side door.

h. On July 28, 1974 the following observations were made:

At about 1:01 p.m. FRANK CARUSO was observed in the premises of the ROSEWOOD LUNCHEONETTE. At 1:25 p.m. CARUSO was observed exiting the premises of the luncheonette and walking to the corner of White Plains Road and Rosewood Avenue. At about 1:26 p.m. MIKE CAGLIANO stopped near CARUSO in an automobile, CARUSO walked over to the car and GAGLIANO passed a white envelope to CARUSO. GAGLIANO then left the vicinity. At about 1:29 p.m. CARUSO met ALDO MAZZARATI across the street from the ROSEWOOD LUNCHEONETTE in front of the premises of the parking lot of ROMANO's FUNERAL HOME. At 1:45 p.m., CARUSO and MAZZARATI left the vicinity.

13. Additional information concerning the gambling business under investigation has been obtained from Mr. A; the same confidential reliable informant previously described in Exhibit "C". Paragraph 23 of Exhibit "C" reflects the basis of Mr. A's reliability and the information he previously furnished. On August 1, 1974 Mr. A advised that on July 27, 1974 and on July 30, 1974, he had conversations with persons he believed to be participants in the gambling operation he previously described. One of those persons is the same one described in paragraph 23(g) of Exhibit "C". Mr. A further stated that these participants indicated to him that the gambling business he, Mr. A, previously described, was still in operation and that it was still being headed by GAGLIANO, SOMMA and ALDO MAZZARATI.

14. The identification of participants in the conversations described in all of the foregoing paragraphs were made by officers of the New York City Police Department who became familiar with the individuals and their voices in the course of the investigation.

NEED FOR INTERCEPTION

15. Based upon the information alleged in all the preceding paragraphs and from his own experience during the past four years and the experience of the other Special Agents of the Federal Bureau of Investigation, as well as that of members of the New York City Police Department, in investigating illegal gambling operations, your affiant knows that:

a) The illegal gambling business previously described throughout Exhibit "C" continues to operate in the manner described with the day-to-day operation being supervised by FRANK CARUSO. This is supported by the numerous intercepted conversations set forth hereinabove which reveal that CARUSO gives instructions to DI TURI, FARANDA and VACCARELLI, directs the movement of both contraband monies and records, and is looked to for advice by his subordinates.

b) It is also evident that CARUSO's role as the link to SOMMA and MAZZARATI - both of whom are in an upper echelon of the gambling combine and are insulated from its daily operation - is supported both by informant information and the above-described observations which reveal regular meetings between CARUSO, SOMMA and MAZZARATI.

c) It is also clear that the premises of the ROSEWOOD LUNCHEONETTE, and the telephone located therein, are heavily used by CARUSO and virtually constitute the control center of the gambling combine under investigation. This is supported by the above-described observations which reveal frequent meetings by various participants in the gambling business at the ROSEWOOD LUNCHEONETTE and those conversations which show that CARUSO has directed that delivery of both contraband monies and records be made to those premises.

16. The informant previously mentioned hereinabove, Mr. A, is unwilling to testify in this matter because of fear for his physical safety.

17. Seizure of records, even if successful, probably would not be an adequate measure. My experience, and the experience of other Special Agents of the Federal Bureau of Investigation, and members of the New York City Police Department, has shown that raids of gambling establishments and searches of gamblers in the past have not resulted in the gathering of sufficient physical or other evidence to prove all elements of federal offenses or the complete nature and scope of a gambling operation. I have learned through my experience and the experience of other agents and officers previously described who have investigated gambling operations, that gamblers usually do not keep permanent records. Furthermore, even if such records are maintained temporarily, gamblers often are

able to destroy them immediately prior to or during a physical search. Additionally, when such records have been seized in the past, generally, they have been insufficient to establish all elements of Federal offenses because they are difficult to interpret and are of little or no significance without more complete knowledge of the gambler's activity and method of operation. And finally, I also know from experience that a large scale gambling operation, such as the one described previously, utilizes numerous "banks" and "wire rooms" with different employees. The detection of such locations in itself does not disrupt the overall operation. If the higher ranking participants in the operation are insulated, my experience has also demonstrated that raids and searches, and arrests of participants of lower echelons are often just a temporary disruptive influence which is solved by replacing arrested participants and changing the locations used previously.

18. In the operation under investigation there are clear indications that there are several participants, specifically SOMMA, MAZZARATI and DE MARTINO, who are effectively insulated from the daily management of the gambling business. CARUSO appears to be their only link and my experience in this kind of investigation reveals that elaborate precautions are frequently taken to insure that persons of their stature in the upper echelons of gambling operations are not incriminated by participants in or by records maintained at the lower echelons.

19. As previously described in this affidavit, numerous physical surveillance of several of the above-described participants and locations have been conducted. As also described, interceptions of conversations were conducted during the period authorized by the Court Order annexed as Exhibit "C". These investigative efforts have developed evidence against those conspirators operating in the lower levels of the gambling operation and have also revealed the infrastructure of the gambling business. However, in view of the nature of the offenses described herein, and the participants demonstrated reliance upon the use of wire and oral communication to conduct the gambling business, continued physical surveillance alone would do little more than establish meetings between the participants and offers scant likelihood of obtaining the evidence

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necessary for a successful prosecution of those individuals operating at the higher levels of the gambling operation. Due to this and the other factors previously alleged, including the demonstrated past inadequacy of raids and searches, the interception of communication as requested herein is the only available investigative technique which has a reasonable likelihood of securing the evidence necessary to prove the commission of the above-described violations by those co-conspirators, such as DE MARTINO, SOMMA, MAZZARATI, and others as yet unknown, who are in the upper levels of the gambling business and who profit the most from its operation.

20. Section 803 of Title VIII entitled "Syndicated Gambling of the Organized Crime Control Act of 1970, Public Law 91-452, 91st Congress," was approved October 15, 1970. It amended Chapter 95, Title 18, United States Code, by adding a new Section: Section 1955, Prohibition of Illegal Gambling Business. Section 801 of Title VIII of the Act contains a special finding that illegal gambling involves a widespread use of and has an effect upon interstate commerce and the facilities thereof.

21. Your affiant also believes that the operation of electronic monitoring devices from within the premises of the ROSEWOOD LUNCHEONETTE will not be likely to infringe on members of the public at large. As described above, in paragraph 12(d), on July 20, 1974 the premises of the luncheonette were closed and a sign was observed which indicated that the premises would not reopen until August 19, 1974. Since that time, numerous observations reveal that the premises have remained closed and gated and no members of the public have been seen patronizing the place. Additionally, any possibility of intercepting conversations of members of the public will be greatly minimized by the use of contemporaneous physical observations of the premises.

22. Minimization of public interception can be accomplished through limiting monitoring of conversations in the area of public use. This is possible since the premises will be under visual observation and the members of the gambling operation are identifiable. Likewise, the voices of the members of the operation have been identified and monitoring can be restricted to their voices. Furthermore, the usual means and standards of minimization will be employed.

23. Inasmuch as the illegal gambling business described hereinabove is a continuing conspiracy, the evidence sought through the interception of wire communications to and from telephone number (212) 231-9506 and the oral communications emanating from the premises of the ROSEWOOD LUNCHEONETTE at 3263 White Plains Road, Bronx, New York, will be obtained on a continuing basis on several days succeeding the first receipt of communications, which is the objective of this request. Therefore, it is requested that these interceptions not terminate when the sought for communications are first obtained but continue until interception reveals the identities and roles of the confederates of FRANK CARUSO, MICHAEL DI TURI, ROBERT D'ADDARIO, LOUIS VACCARELLI, LEO FARANDA, ALDO MAZZARATI GAETANO SOMMA, and others as yet unknown, their places of operation and the nature and scope of the conspiracy involved therein or for a period of twenty (20) days from the date of the order, whichever is earlier.

WHEREFORE, I submit that the information supplied by the reliable informant and the information developed in the course of the investigation, as set forth in preceding paragraphs, provide sufficient facts to establish that FRANK CARUSO, MICHAEL DI TURI, LEO FARANDA, ROBERT D'ADDARIO, LOUIS VACCARELLI, GAETANO SOMMA, ALDO MAZZARATI, and others as yet unknown, have been, are, and will continue to commit offenses involving the use of the premises of the ROSEWOOD LUNCHEONETTE, located at 3263 White Plains Road, Bronx, New York, and the use of telephone line and instrument bearing number (212) 231-9506 listed to Murray Stevens Express Company, located in the premises of the ROSEWOOD LUNCHEONETTE, which are an integral part of an illegal gambling business that is being conducted in violation of Article 225 of the New York State Penal Law, and in which five or more persons participate and which has a gross income of \$2,000 in any single day, and which has been and remains in substantially continuous operation for a period in excess of thirty (30) days, thereby constituting a violation of Section 1955 of Title 18, United States Code, and a conspiracy to commit such offense in violation of Section 371 of Title 18, United States Code.

[Signature]
JULIUS J. BONAVOLONTA
Special Agent

Sworn to and subscribed before me
this 5th day of August, 1974.

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CMB:bm

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IN THE MATTER OF THE APPLICATION
OF THE UNITED STATES FOR AN ORDER
AUTHORIZING THE CONTINUED
INTERCEPTION OF WIRE AND ORAL
COMMUNICATIONS
-----X

Misc. NO.

ORDER

AUTHORIZING CONTINUED INTERCEPTIONS OF WIRE AND ORAL COMMUNICATIONS

TO: Special Agents of the Federal Bureau
of Investigation
United States Department of Justice

Application under oath having been made before me by Carl M. Bornstein, a Special Attorney with the Organized Crime and Racketeering Section of the United States Department of Justice, assigned to the Southern District of New York, and an "investigative or law enforcement officer" as defined in Section 2510 (7) of Title 18, United States Code, for an Order authorizing the continued interception of oral and wire communications pursuant to Section 2518 of Title 18, United States Code, and full consideration having been given to the matters set forth therein, the Court finds:

a) There is probable cause to believe that MICHAEL DITURI, FRANK CARUSO, LEO FARANDA, LOUIS VACCARELLI, ROBERT D'ADDARIO, MICHAEL GAGLIANO, ALDO MAZZARATI, GAETANO SOMMA, and others as yet unknown have committed and are committing offenses involving oral communications and the use of telephone communication facilities to conduct an illegal gambling business in violation of Article 225 of the New York State Penal Law, and in which five or more persons participate and that has a gross revenue of \$2,000 in any single day and has been and remains in

substantially continuous operation for a period in excess of thirty (30) days thereby being in violation of Section 1955 of Title 18, United States Code, and are conspiring to commit such offenses in violation of Section 371 of Title 18, United States Code.

b) There is probable cause to believe that particular wire and oral communications concerning these offenses will be obtained through the continued interception, authorization for which is herewith applied for. In particular, these wire and oral communications will further reveal the identities and roles of all participants in the illegal gambling business, the places and locations used in furtherance of the gambling business, the amounts of monies wagered, the amounts of monies owed to or by bettors and other participants in the gambling business, the distribution of contraband monies and records obtained by and used in the illegal gambling business, the methods of record-keeping and the meaning thereof, the methods of operation used by participants in the gambling business and the full nature and scope of the conspiracy involved therein.

c) Normal investigative procedures have been tried and reasonably appear to be unlikely to succeed if tried further.

d) There is probable cause to believe that the premises of the ROSEWOOD LUNCHEONETTE, located at 2263 White Plains Road, Bronx, New York have been used, are being used and will continue to be used by FRANK CARUSO, ROBERT D'ADDARIO, MICHAEL GAGLIANO, ALDO MAZZARATI and others as yet unknown in connection with the commission of the above described offenses.

e) There is probable cause to believe that the telephone located in the above described premises, listed to MURRAY STEVENS EXPRESS CO. and bearing telephone number 212-231-9506, has been used, is being used and will continue to be used by FRANK CARUSO, ROBERT D'ADDARIO, MICHAEL DITURI, LEO FARANDA, LOUIS VACCARELLI and others as yet unknown in connection with the commission of the above described offenses.

WHEREFORE, it is hereby ordered that Special Agents of the Federal Bureau of Investigation, United States Department of Justice, are authorized, pursuant to application authorized by the Assistant Attorney General of the Criminal Division, the Honorable Henry E. Petersen, who has been specially designated by the Attorney General of the United States, the Honorable William B. Saxbe, to exercise the power conferred on him by Section 2516 of Title 18, United States Code:

a) To continue to intercept oral communications of FRANK CARUSO, ROBERT D'ADDARIO, MICHAEL GAGLIANO, ALDO MAZZARATI and others as yet unknown concerning the above-described offenses at the premises of the ROSEWOOD LUNCHEONETTE, located at 3263 White Plains Road, Bronx, New York.

b) To continue to intercept wire communications of FRANK CARUSO, ROBERT D'ADDARIO, MICHAEL DITURI, LEO FARANDA, LOUIS VACCARELLI and others as yet unknown concerning the above described offenses to and from the telephone subscribed to by MURRAY STEVENS EXPRESS CO. bearing telephone number 212-231-9506, which is located in the aforesaid premises of the ROSEWOOD LUNCHEONETTE.

c) Such interception shall not automatically terminate when the type of communications described above in Paragraphs (a) and (b) have first been obtained, but shall continue until communications are intercepted which record the manner in which MICHAEL DITURI, FRANK CARUSO, LEO FARANDA, LOUIS VACCARELLI, ROBERT D'ADDARIO, MICHAEL GAGLIANO, GAETANO SOMMA, ALDO MAZZARATI and others as yet unknown participate in the illegal gambling business, the identities and roles of their confederates and their associates in the illegal gambling business, and the places and locations used in furtherance of the gambling business, the amounts of monies wagered, the amounts of monies owed to or by bettors and other participants in the gambling business, the distribution of contraband monies and records obtained by and used in the illegal gambling business, the methods of record-keeping and the meaning thereof, the methods

of operation used by participants in the gambling business and the full nature and scope of the conspiracy involved therein, or for a period of twenty (20) days from the date of this order, whichever is earlier.

IT IS FURTHER ORDERED that Special Agents of the Federal Bureau of Investigation are authorized to enter the foregoing premises for the purpose of installing, maintaining and removing any electronic interception devices utilized pursuant to the authority granted by this Order.

IT IS FURTHER ORDERED that the New York Telephone Company, a communication carrier as defined in Section 2510(10) of Title 18, United States Code, shall furnish the applicant forthwith all information, facilities and technical assistance necessary to accomplish the interception unobtrusively and with a minimum of interference with the service that such carrier is according the person whose communications are to be intercepted, the furnishing of such facilities or technical assistance by the New York Telephone Company to be compensated for by the applicant at the prevailing rates.

PROVIDING THAT, this authorization to intercept wire and oral communications shall be executed as soon as practical after signing of this Order and shall be conducted in such a way as to minimize the interception under Chapter 119 of Title 18, United States Code, and must terminate upon attainment of the authorized objective, or, in any event, at the end of twenty (20) days from the date of this Order, whichever is earlier.

PROVIDING ALSO, that interception of oral communications at the above described premises shall occur only when it has been determined that at least one of the above-named subjects is at the above-described premises.

PROVIDING ALSO, that Carl M. Bornstein, ^{of his return report} shall provide the Court with a report on the 5th, 10th and 15th day following the date of this Order showing what progress has been made toward achievement of the authorized objective and the need for continuing interception.

DATE

UNITED STATES DISTRICT JUDGE

:pa



UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

Address Reply to the
Division Indicated
and Refer to Initials and Number

SEP 20 1974

Mr. Edward M. Shaw
Attorney in Charge
New York Strike Force
New York, New York

Dear Mr. Shaw:

This is to advise you that pursuant to the power delegated to him by special designation by the Attorney General under the authority vested by Section 2516 of Title 18, United States Code, the Assistant Attorney General of the Criminal Division has authorized an application to be made to a Federal judge of competent jurisdiction for an order under Section 2519 of Title 18, United States Code, authorizing the continued interception, for a twenty (20) day period, of wire communications to and from the telephone bearing number 212-231-9506, and of oral communications from the premises known as Rosewood Luncheonette, both located at 3263 White Plains Road, Bronx, New York, in connection with the investigation into possible violations of Title 18, United States Code, Sections 1955 and 371, by Michael Bituri, Frank Caruso, Leo Faranda, Louis Vaccarelli, Robert D'Addario, Mike Gagliano, Aldo Mazzarati, Gaetano Sorra, and others as yet unknown. A copy of the Attorney General's order specially designating the Assistant Attorney General in charge of the Criminal Division to authorize applications for interception orders of this nature and a copy of the Assistant Attorney General's memorandum of authorization are attached hereto.

Accordingly, you or any other attorney on your staff who is an investigative or law enforcement officer of the United States within the meaning of Section 2510(7) of Title 18, United States Code, are authorized to make the above-described application.

Sincerely,

HENRY E. PETERSEN
Assistant Attorney General
Criminal Division

By: *Edward T. Joyce*
EDWARD T. JOYCE
Deputy Chief, Organized Crime
and Racketeering Section
Criminal Division

Enclosures



Office of the Attorney General
Washington D. C. 20530

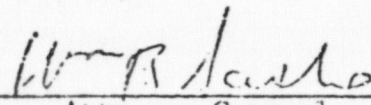
SPECIAL DESIGNATION OF ASSISTANT ATTORNEY GENERAL
IN CHARGE OF THE CRIMINAL DIVISION
TO AUTHORIZE APPLICATIONS FOR COURT ORDERS AUTHORIZING
INTERCEPTION OF WIRE OR ORAL COMMUNICATIONS

Order No. 560-74

By virtue of the authority vested in me by 28 U.S.C. 509, 510, 5 U.S.C. 301, and 18 U.S.C. 2516, I hereby specially designate the Assistant Attorney General in charge of the Criminal Division to exercise the power conferred by Section 2516 of Title 18, United States Code, to authorize applications to a Federal judge of competent jurisdiction for orders authorizing the interception of wire or oral communications by the Federal Bureau of Investigation or a Federal agency having responsibility for the investigation of the offense as to which such application is made, when such interception may provide evidence of any of the offenses specified in Section 2516 of Title 18, United States Code.

Order No. 548-73 of October 23, 1973, captioned as above, is superseded.

January 23, 1974


Attorney General

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

TO : Chief, Organized Crime
and Racketeering Section
Criminal Division

DATE:

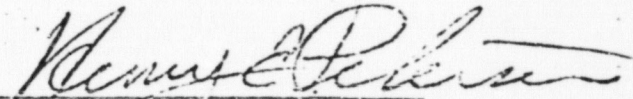
SEP 20 1974

FROM : Assistant Attorney General
Criminal Division

SUBJECT: Authorization for an Extension of
an Interception Order Application

This is with regard to your recommendation that I authorize an application to a Federal judge of competent jurisdiction for an order under Title 18, United States Code, Section 2518, authorizing the continued interception, for a twenty (20) day period, of wire communications to and from the telephone bearing number 212-231-9506, and of oral communications from the premises known as Rosewood Luncheonette, both located at 3263 White Plains Road, Bronx, New York, in connection with the investigation into possible violations of Title 18, United States Code, Sections 1955 and 371, by Michael Dituri, Frank Caruso, Leo Faranda, Louis Vaccarelli, Robert D'Adario, Mike Gagliano, Aldo Mazzarati, Costano Colma, and others as yet unknown.

By virtue of the authority vested in him by Section 2516 of Title 18, United States Code, the Attorney General of the United States, the Honorable William B. Saxton, by Order Number 560-74, dated January 28, 1974, specially designated me to authorize applications for court orders authorizing the interception of wire and oral communications. Accordingly, under the power delegated to me by the special designation of the Attorney General, I hereby authorize the above-described application to be made by any investigative or law enforcement officer of the United States as defined in Section 2510(7) of Title 18, United States Code.


HENRY B. PETERSON

Assistant Attorney General
Criminal Division

9/20/74
Date

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IN THE MATTER OF THE APPLICATION
OF THE UNITED STATES FOR AN ORDER
AUTHORIZING THE CONTINUED INTERCEP-
TION OF WIRE AND ORAL COMMUNICATIONS
-----X

Misc. No.

APPLICATION

Carl M. Bornstein, a Special Attorney of the United States Department of Justice, being duly sworn, states:

1. I am an "investigative or law enforcement officer ...of the United States" within the meaning of Section 2510(7) of Title 18, United States Code, that is -- an Attorney authorized by law to prosecute or participate in the prosecution of offenses enumerated in Section 2516 of Title 18, United States Code.

2. Pursuant to the authority vested in him by Section 2516 of Title 18, United States Code, the Attorney General of the United States the Honorable William B. Saxbe, has specially designated the Assistant Attorney General in charge of the Criminal Division, the Honorable Henry E. Petersen, to exercise the power conferred on him by Section 2516 of Title 18, United States Code, to authorize this application. Under the power delegated to him by special designation of the Attorney General, the Assistant Attorney General of the Criminal Division has authorized this application. Attached to this application as Exhibit A are a copy of the Order of the Attorney General specially designating the Assistant Attorney General of the Criminal Division to act in these matters and a copy of the memorandum of authorization of the Assistant Attorney General of the Criminal Division, the Honorable Henry E. Petersen.

3. This application seeks authorization to continue to intercept wire and oral communications of FRANK CARUSO, ROBERT D'ADDARIO, MICHAEL DITURI, LEO FARANDA, LOUIS VACCARELLI, MICHAEL GAGLIANO, GAETANO SOMMA, ALDO MAZZARATI and others as yet unknown concerning offenses enumerated in Section 2516 of Title 18, United

Code, that is -- the conduct and management of an illegal gambling business in violation of Article 225 of the New York State Penal Law and in which five or more persons participate and that has a gross revenue of \$2,000.00 in any single day and has been and remains in substantially continuous operation for a period in excess of thirty (30) days, thereby being in violation of Section 1955 of Title 18, United States Code, and a conspiracy to commit such offenses in violation of Section 371 of Title 18, United States Code, which have been and are being committed by MICHAEL DITURI, FRANK CARUSO, ROBERT D'ADDARIO, LEO FARANDA, LOUIS VACCARELLI, MICHAEL GAGLIANO, GAETANO SOMMA, ALDO MAZZARATI, and others as yet unknown.

4. I have discussed all the circumstances of the above offenses with Special Agent Julius J. Bonavolonta of the New York Office of the Federal Bureau of Investigation, who has directed and conducted the investigation herein, and I have examined the affidavit of Special Agent Bonavolonta (attached to this application as Exhibit B and incorporated herein) which alleges the facts therein to show that:

a) There is probable cause to believe that MICHAEL DITURI, FRANK CARUSO, ROBERT D'ADDARIO, LEO FARANDA, LOUIS VACCARELLI, MICHAEL GAGLIANO, GAETANO SOMMA, ALDO MAZZARATI, and others as yet unknown have committed and are committing offenses involving oral communications and the illegal use of telephone communication facilities for the purpose of conducting an illegal gambling business in violation of Sections 1955 and 371 of Title 18, United States Code.

b) There is probable cause to believe that particular wire and oral communications of FRANK CARUSO, ROBERT D'ADDARIO, MICHAEL DITURI, LEO FARANDA, LOUIS VACCARELLI, MICHAEL GAGLIANO, GAETANO SOMMA, ALDO MAZZARATI and others as yet unknown concerning these offenses will be obtained through the continued interceptions thereof, authorization for which is herewith applied for. In particular, these oral and wire communications will provide evidence concerning all locations utilized in furtherance of the illegal

gambling business, the distribution of monies and contraband records by and used in the illegal gambling business, and the identities and role of all participants in the commission of the aforesaid offenses.

c) The attached affidavit contains a full and complete statement explaining why normal investigative procedures have been tried and failed or reasonably appear unlikely to succeed if tried.

d) There is probable cause to believe that the telephone subscribed to by MURRAY STEVENS EXPRESS CO. and located in the premises of the ROSEWOOD LUNCHEONETTE located at 3263 White Plains Road, Bronx, New York and bearing telephone number 212-231-9506 has been and is being used and will continue to be used by FRANK CARUSO, MICHAEL DITURI, LEO FARANDA, LOUIS VACCARELLI, ROBERT D'ADDARIO, and others as yet unknown in connection with the commission of the above-described offenses.

e) There is probable cause to believe that the premises of the ROSEWOOD LUNCHEONETTE located at 3263 White Plains Road, Bronx, New York, have been and are being used and will continue to be used by FRANK CARUSO, ROBERT D'ADDARIO, MICHAEL GAGLIANO, ALDO MAZZARATI, and others as yet unknown in connection with the commission of the above-described offenses.

5. From his discussions with Special Agent Julius Bonavolonta, and from a review of Agent Bonavolonta's affidavit, affiant believes that authorization of the continued interception or oral communications of the premises of the ROSEWOOD LUNCHEONETTE, 3263 White Plains Road, Bronx, New York, as requested herein will present virtually no possibility that the conversations of members of the public not involved in the illegal gambling business will be overheard. As indicated in Agent Bonavolonta's affidavit, and in Exhibit D-3, the premises of the ROSEWOOD LUNCHEONETTE were closed from about July 20, 1974 to August 19, 1974. Since the premises were reopened to the public less than ten customers a day have been observed entering the premises. Coupling this to the fact that the investigating agents have already become familiar with the voices and appearances of the participants in the course of their investigation, protection of the public from any unauthorized interceptions will be virtually assured by the contemporaneous

physical surveillances that have been and will continue to be performed.

6. No previous application has been made to any Judge for authorization to intercept or for approval of interception of wire or oral communications involving any of the same persons, facilities or places specified herein except as enumerated below:

a) On July 11, 1974, the Honorable Robert J. Ward, United States District Judge, Southern District of New York, signed an order authorizing the interception of the oral communications of FRANK CARUSO, MICHAEL DITURI, and others as yet unknown, at the premises of MIKE'S EXPRESSO, 3607 Bronxwood Avenue, Bronx, New York; and also authorizing the interception of the wire communications of FRANK CARUSO, MICHAEL DITURI, LEO FARANDA, LOUIS VACCARELLI, FRANK BATTISTA, and others as yet unknown, transmitted over telephone line and number 212-547-8607, listed to MIKE'S EXPRESSO and located at the aforesaid premises.

b) The aforesaid order, my application in support thereof and the affidavit of Special Agent Bonavolonta, all of which are dated July 11, 1974, are incorporated herein by this reference and are annexed hereto as Exhibits "C-1", "C-2", and "C-3," respectively.

c) Paragraph 6 of Exhibit C-2, sets forth a listing of earlier orders issued by Justices of the New York Supreme Court which previously authorized interception of wire communications.

d) On August 15, 1974, the Honorable Richard Owen, United States District Judge, Southern District of New York, signed an order authorizing the interception of the oral communications of FRANK CARUSO, ROBERT D'ADDARIO, and others as yet unknown, at the premises of the ROSEWOOD LUNCHEONETTE, 3263 White Plains Road, Bronx, New York; and also authorizing the interception of the wire communications of FRANK CARUSO, ROBERT D'ADDARIO, and others as yet unknown, transmitted over telephone line and number 212-

231-9506 listed to MURRAY STEVENS EXPRESS CO. and located at the aforesaid premises.

e) The aforesaid order of Judge Richard Owen, my application in support thereof, and the affidavit of Special Agent Bonavolonta, all of which are dated August 15, 1974, are incorporated herein by this reference and are annexed hereto as Exhibits "D-1", "D-2", and "D-3", respectively.

WHEREFORE, your affiant believes that probable cause exists to believe that MICHAEL DITURI, FRANK CARUSO, LEO FARANDA, LOUIS VACCARELLI, ROBERT D'ADDARIO, MICHAEL GAGLIANO, GAETANO SOMMA, ALDO MAZZARATI, and others as yet unknown are engaged in the commission of offenses involving the use of oral communications and wire communications to conduct an illegal gambling business in violation of the laws of the State of New York, and in which five or more persons participate and which has a gross revenue in excess of \$2,000 in any single day and which has been and remains in substantially continuous operation for a period in excess of thirty (30) days, and a conspiracy to do so: that ROBERT D'ADDARIO, FRANK CARUSO, MICHAEL GAGLIANO, ALDO MAZZARATI and others as yet unknown have used, and are using the premises of the ROSEWOOD LUNCHEONETTE, located at 3263 White Plains Road, Bronx, New York in connection with the commission of the above-described offenses; that FRANK CARUSO, ROBERT D'ADDARIO, MICHAEL DITURI, LEO FARANDA, LOUIS VACCARELLI and others as yet unknown have used, and are using the telephone subscribed to by MURRAY STEVENS EXPRESS CO., which is located in the premises of the ROSEWOOD LUNCHEONETTE, at 3263 White Plains Road, Bronx, New York, bearing telephone number 212-231-9506 in connection with the commission of the above-described offenses; that communications of FRANK CARUSO, ROBERT D'ADDARIO, MICHAEL DITURI, LEO FARANDA, LOUIS VACCARELLI, and others as yet unknown concerning these offenses will continue to be intercepted to and from the above-described telephone number and from the above-described premises; and that normal investigative procedures

appear unlikely to succeed.

On the basis of the allegations contained in this application, and on the basis of the affidavit of Special Agent Bonavolonta, attached hereto, affiant requests this Court to issue an order, pursuant to the power conferred on it by the Section 2518 of Title 18, United States Code, authorizing the Federal Bureau of Investigation of the United States Department of Justice to continue to intercept oral communications emanating from the above-described premises and to continue to intercept wire communications transmitted to and from the above-described telephone until communications are intercepted which further reveal the manner in which MICHAEL DITURI, FRANK CARUSO, LEO FARANDA, LOUIS VACCARELLI, ROBERT D'ADDARIO, MICHAEL GAGLIANO, GAETANO SOMMA, ALDO MAZZARATI, and others as yet unknown, participate in the illegal gambling business, the identities and role of all their confederates and associates, their places of operation, the distribution of contraband monies and records obtained by and used in the illegal gambling business and the full nature and scope of the conspiracy involved therein, or for a period of twenty (20) days from the date of that order, whichever is earlier.

It is further requested that this Court issue an order pursuant to the power conferred on it by Section 2518 (4)(e) of Title 18, United States Code, directing that the New York Telephone Company, a communication common carrier as defined in Section 2510 (10) of Title 18, United States Code, shall furnish the applicant forthwith all information, facilities and technical assistance necessary to accomplish the interception unobtrusively and with a minimum of interference with the services that such carrier is according the person whose communications are to be intercepted, the furnishing of such facilities or technical assistance by the New York Telephone Company to be compensated for by the applicant at the prevailing rates.

CARL M. BORNSTEIN
Special Attorney
U.S. Department of Justice

Sworn to before me this
day of

-----X
IN THE MATTER OF THE APPLICATION :
OF THE UNITED STATES FOR AN ORDER :
AUTHORIZING THE CONTINUED :
INTERCEPTION OF WIRE AND ORAL :
COMMUNICATIONS :
-----X

Misc. No.

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss

AFFIDAVIT

JULIUS J. BONAVENTURA, Special Agent, Federal Bureau of Investigation, New York being duly sworn, states:

1. I am an "investigative and law enforcement officer... of the United States within the meaning of Section 2510 (7) of Title 18, United States Code, -- that is, an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in Section 2516 of Title 18, United States Code.

2. I make this affidavit in support of an application which seeks authorization to continue to intercept wire and oral communications involving the offense of an illegal gambling business which is being conducted in violation of Article 225 of the New York State Penal Law and in which five or more persons are participating, and which has been in substantially continuous operation for a period in excess of thirty (30) days and which has a gross revenue of \$2,000 in any single day, thereby being in violation of Title 18, United States Code, Section 1955 and a conspiracy to commit such offenses in violation of Title 18, United States Code, Section 371, which have been committed and are being committed by MICHAEL DITURI, FRANK CARUSO, ROBERT D'ADDARIO, LOUIS VACCARELLI, LEO FARANDA, MICHAEL GAGLIANO, ALDO MAZZARATI, GAETANO SONTA and other persons associated with them whose identities are as yet unknown.

3. I have supervised the conduct of the investigation of these offenses and as a result of my present participation in this investigation and of reports made to me by agents of the Federal Bureau of Investigation and officers of the New York City Police Department under my supervision, I am familiar with all the circumstances of the investigation. On the basis of that familiarity I allege the facts below to show that:

a) There is probable cause to believe that MICHAEL DITURI, FRANK CARUSO, ROBERT D'ADDARIO, LOUIS VACCARELLI, LEO FARANDA, MICHAEL GAGLIANO, ALDO MAZZARATI, GAETANO SOMMA and others as yet unknown, have been and are now committing offenses involving oral communications and the illegal use of telephonic communications facilities for the purpose of conducting and directing an illegal gambling business which involves policy, and bookmaking on horse racing and other sporting events, in violation of Sections 1955 and 371 of Title 18, United States Code.

b) There is probable cause to believe that evidence of those offenses, including the identities and roles of all participants in the illegal gambling business, other locations utilized in furtherance of the illegal gambling business, and the distribution of contraband records and monies utilized in, and obtained by the illegal gambling business, will continue to be obtained through the interception of wire and oral communications; the authorization of said interceptions being applied for herein.

c) There is probable cause to believe that the telephone line and instrument bearing number (212) 231-9506 located in the premises of the ROSEWOOD LUNCHEONETTE, 3263 White Plains Road, Bronx, New York, has been used, is being used, and will continue to be used by FRANK CARUSO, ROBERT D'ADDARIO, MICHAEL DITURI, LEO FARANDA, and LOUIS VACCARELLI in the commission of the offenses mentioned in Paragraph 3(a) hereinabove.

d) There is probable cause to believe that the premises of the ROSEWOOD LUNCHEONETTE, 3263 White Plains Road, Bronx, New York, have been used, are being used, and will continue to be used, by FRANK CARUSO, ROBERT D'ADDARI, MICHAEL GAGLIANO and ALDO MAZZARATI, to conduct conversations that are in furtherance of the commission of the offenses described in Paragraph 3(a), hereinabove.

e) Normal investigative techniques have been tried and reasonably appear unlikely to succeed if utilized further.

f) No previous applications are known to have been made to any judge for authorization to intercept or for approval of interception of wire or oral communications involving any of the persons, facilities or places specified herein except as enumerated below:

1) On July 11, 1974, the Honorable Robert J. Ward, United States District Judge, Southern District of New York signed an Order authorizing the interception of the oral communications of FRANK CARUSO, MICHAEL DITURI, and others as yet unknown, at the premises of MIKE'S EXPRESSO, 3607 Bronxwood Avenue, Bronx, New York; and also authorizing the interception of the wire communications of FRANK CARUSO, MICHAEL DITURI, LEO FARANDA, LOUIS VACCARELLI, FRANK BATTISTA, and others as yet unknown, transmitted over telephone line and number (212) 547-8607, listed to MIKE'S EXPRESSO and located at the aforesaid premises.

2) The aforesaid order, application and my affidavit in support thereof, are incorporated herein by this reference and are annexed hereto as Exhibits "C-1", "C-2", and "C-3". Exhibit C-3, Paragraph 3(f) sets forth a listing of orders

issued by Justices of the New York State Supreme Court which previously authorized interception of wire communications.

3) On August 15, 1974, the Honorable Richard Owen, United States District Judge, Southern District of New York, signed an order authorizing the interception of the oral communications of FRANK CARUSO, ROBERT D'ADDARIO, and others as yet unknown, at the premises of the ROSEWOOD LUNCHEONETTE, 3263 White Plains Road, Bronx, New York, and also authorizing the interception of the wire communications of FRANK CARUSO, ROBERT D'ADDARIO, and others as yet unknown, transmitted over telephone line and number (212) 231-9506 listed to MURRAY STEVENS EXPRESS CO. and located at the aforesaid premises.

4) The aforesaid order, application and my affidavit in support thereof, are incorporated herein by this reference and are annexed hereto as Exhibits "D-1", "D-2", and "D-3", respectively.

BACKGROUND INFORMATION

4. Hereinafter, unless otherwise specified, all telephone numbers are in the (212) area as designated by the New York Telephone Company and all addresses are on streets and avenues in the County of the Bronx, State of New York. Also, all excerpted conversations are substantially verbatim but are not to be considered as exact. Furthermore, the investigation in this matter has been conducted both by agents of the Federal Bureau of Investigation and police officers assigned to the Public Morals Division (PMD) of the Police Department of the City of New York acting under the jurisdiction of the Office of the District Attorney, in and for the County of the Bronx, State of New York. Since about the middle of April, 1974, these officers and agents have conducted this investigation jointly under the personal direction and supervision of your affiant.

5. As reflected in Exhibit C-3 earlier investigation established that the premises of MIKE'S EXPRESSO, 3607 Bronxwood Avenue, Bronx, New York, was the hub of the day-to-day operation of the illegal gambling business under investigation. The investigation also revealed that FRANK CARUSO not only supervised and generally managed the daily conduct of the gambling business but was also the link to those in higher echelons who were insulated from daily contact with the routine operation of the gambling combine. Exhibit D-3 sets forth the investigation performed in conjunction with the monitoring conducted pursuant to the first court order (Exhibit C-1) which revealed that FRANK CARUSO utilized the premises of the ROSEWOOD LUNCHEONETTE and the telephone located therein to both manage the business and meet with his superiors in the illegal combine. The investigation performed in conjunction with the monitoring conducted pursuant to the second court order (Exhibit D-1) supports the earlier indications. It not only shows that CARUSO continues to use the premises of the ROSEWOOD LUNCHEONETTE, and the telephone located therein, virtually as a control center for the gambling operation but that both SOMMA and MAZZARATI continue to visit the premises as well in furtherance of the gambling conspiracy.

6. During the authorized period of surveillance pursuant to the court order annexed hereto as Exhibit D-1, numerous telephone calls reveal that the gambling combine described in Exhibits C-3 and D-3 continues to operate as previously described.

a) On August 16, 1974, at about 2:04 PM, FRANK CARUSO placed a telephone call from telephone number 231-9506 to LOUIS VACCARELLI at telephone number 994-2007. (Paragraph 3f (6) of Exhibit C-3 more fully describes this telephone). CARUSO asks VACCARELLI if "he" is there and VACCARELLI says no. CARUSO then places a call to telephone number 547-8607 (the telephone

at MIKE'S EXPRESSO which is more fully described in Exhibits C-1 - C-3) and receives a busy signal.

b) On August 16, 1974 at about 2:12 PM, CARUSO placed a call from telephone number 231-9506 to MICHAEL DITURI at telephone number 547-8607. CARUSO tells DITURI that he (DITURI) should send a charge into the "office" for "IRV." CARUSO and DITURI then discuss various bets and an "edge." CARUSO tells DITURI to send another "slip" for "BLUE." They then discuss an amount of money involving a "TONY POST" for Thursday. DITURI also tells CARUSO about a "hit" on a number in Brooklyn and, after a pause, CARUSO confirms it. (Based on your affiant's prior experiences in investigating illegal gambling business, he believes that the names "BLUE" and "TONY POST" are codes for other participants in the gambling operation).

c) On August 16, 1974 at about 6:25 PM, FRANK CARUSO placed a call from telephone number 231-9506 to LEO FARANDA at telephone number 798-5522 (the telephone located at LEO FARANDA'S GROCERIES, INC. which is more fully described in Paragraph 3f(7) of Exhibit C-3). CARUSO asked FARANDA what the "New York number" was and FARANDA answered "159." CARUSO then asked FARANDA for the "Brooklyn number" and FARANDA replied he would have it in five to ten minutes.

d) On August 16, 1974 at about 6:30 PM, FRANK CARUSO placed a call from telephone number 231-9506 to MICHAEL DITURI at telephone number 994-2007 (the telephone at LOUIS EXPRESSO SHOP more fully described in Paragraph 3f(6) of Exhibit C-3). DITURI tells CARUSO that the number is "159" and asks CARUSO if he wants his results for the day. CARUSO tells DITURI he'll call back later.

e) On August 17, 1974 the following incoming conversations were intercepted over telephone number 231-9506. At about 1:49 PM MICHAEL DITURI called and spoke to ROBERT D'ADDARIO. In the ensuing conversation, DITURI and D'ADDARIO discussed various baseball and football bets. At about 1:57 PM DITURI called and asked GINA SOMMA if CARUSO was there. ROBERT D'ADDARIO then got on the telephone and in the ensuing conversation with DITURI, DITURI relayed various sports bets to D'ADDARIO.

f) On August 18, 1974 at about 12:50 PM, FRANK CARUSO placed a call from telephone number 231-9506 to MICHAEL DITURI at telephone number 994-2007 (the telephone located at LOUIS EXPRESSO SHOP). CARUSO tells DITURI that "BLUE" might call. DITURI gives "BLUE'S" number as 585-5999. CARUSO states he had been calling 595-5999. A check of New York Telephone Company records by Special Agent Frank J. Meyers on August 24, 1974, reveals that telephone number (212) 585-5999 is listed to Joseph Bugliarelli at 582 Morris Avenue, Bronx, New York. A Joseph Bugliarelli of 582 Morris Avenue, Bronx, New York is known to the Federal Bureau of Investigation, New York Office, under number 776643A. These indices reveal that he has been arrested nine times by the New York City Police Department for gambling violations since 1962.

g) On August 18, 1974 at about 1:03 PM, CARUSO placed a call from telephone number 231-9506 to MICHAEL DITURI at telephone number 994-2007 (LOUIS EXPRESSO SHOP). In the ensuing conversation, CARUSO asks DITURI if he (CARUSO) left the "result sheet" with the "pay and collects" up there. DITURI tells CARUSO that it is with his tapes in the middle. CARUSO then acknowledges that he has it.

h) On August 19, 1974 the following conversations were intercepted over telephone number 231-9506: At about 1:00 PM, LOUIS VACCARELLI called ROBERT D'ADDARIO and asked him to tell CARUSO to call him back. At about 1:05 PM VACCARELLI called again, spoke to GINA SOMMA, asked for CARUSO. D'ADDARIO then got on the telephone and VACCARELLI asked him to come up for five minutes. At about 2:08 PM, D'ADDARIO called and spoke to FRANK CARUSO. He tells CARUSO that "the two guys that took MIKE'S are in a white Cougar by Carmine's." CARUSO asks D'ADDARIO if "he's" all wrapped up and tells D'ADDARIO to tell him to "watch it."

1) Also on August 19, 1974 at about 4:55 PM, CARUSO placed a call from telephone number 231-9506 to MICHAEL DITURI at telephone number 547-8607. (MIKE'S EXPRESSO). DITURI gives CARUSO the daily number and CARUSO asks if the "garbage man" had it. They discuss one "Willis" having "249" and CARUSO asks if he had it that day. DITURI tells CARUSO that he has it every day and asks CARUSO to come over.

7. Physical observations and the monitoring of oral conversations emanating from the premises of the ROSEWOOD LUNCHEONETTE, pursuant to the court order which is annexed hereto as Exhibit D-1, further reveal the operation of the gambling business and also demonstrate that : a) FRANK CARUSO, and his associate ROBERT D'ADDARIO, continue to use the premises of the ROSEWOOD LUNCHEONETTE in conjunction with CARUSO'S managerial role in the gambling operation; and b) that SOMMA and MAZZARATI visit the premises to discuss the operation of the business.

a) On every day from August 16, 1974 through August 26, 1974 both FRANK CARUSO and ROBERT D'ADDARIO have been in the premises of the ROSEWOOD LUNCHEONETTE at different times throughout each day. On August 20, 21, 22, 24, 25 both CARUSO and D'ADDARIO have been overheard in conversation about various

aspects of the gambling operation including amounts of bets won and lost and amounts of monies owed to or by other participants in the gambling operation. Additionally, both CARUSO and D'ADDARIO have been intercepted in conversation with other persons about similar matters. Examples of these conversations are set forth in the following paragraphs.

b) On August 20, 1974, the following conversations were intercepted: (1) At about 1:40 PM, CARUSO was heard talking to an unknown male and telling him that he (CARUSO) is owed \$4,800 from sports betting; (2) At about 2:51 PM, CARUSO was overheard telling MICHAEL GAGLIANO that a given figure should be "3445"; (3) At about 2:58 PM, CARUSO and D'ADDARIO were overheard arguing about a betting number; (4) At about 5:46 PM, CARUSO and D'ADDARIO were overheard discussing the day's receipts, number "plays" and amounts bet. CARUSO was also overheard asking D'ADDARIO "are they still there", referring to SOMMA and MAZZARATI who were observed at that time standing across the street from the ROSEWOOD LUNCHEONETTE by Special Agent Robert Caffrey. D'ADDARIO was then observed looking out the window of the ROSEWOOD LUNCHEONETTE toward SOMMA and MAZZARATI and then answering CARUSO in the affirmative. This sequence occurred again within a few minutes.

c) On August 21, 1974, the following conversations were intercepted: (1) At about 12:21 PM, CARUSO and an unknown male were overheard arguing about money owed; some of which had already been paid in smaller amounts; (2) at about 12:31 PM, MICHAEL DIRIENZO was observed entering the premises of the ROSEWOOD LUNCHEONETTE; (3) At about 12:33 PM, ROBERT D'ADDARIO was overheard in conversation with an unknown male discussing policy bets; CARUSO entered the conversation and subsequently the name "MIKE" was used.

d) On August 20, 1974, SOMMA and MAZZARATI were also observed in and around the premises of the ROSEWOOD LUNCHEONETTE. At about 6:40 PM, SOMMA and MAZZARATI were observed approaching the premises of the subject premises by Special Agent Robert Caffrey. They separated momentarily while MAZZARATI went to a nearby car and put a brown paper bag into it and SOMMA entered the premises. MAZZARATI then entered the premises at which time SOMMA and CARUSO came out and engaged in conversation for about five minutes. MAZZARATI then came out, CARUSO locked the premises and then all three left in the same car MAZZARATI had put the brown bag into.

e) On Sunday, August 25, 1974, Special Agent Walter Smith observed FRANK CARUSO enter the premises of the ROSEWOOD LUNCHEONETTE at about 11:42 AM. He left and returned at about 1:10 PM. An unknown male was observed to enter at about 1:12 PM. At about 1:13 PM, MAZZARATI was observed across the street from the luncheonette. At 1:19, MICHAEL GAGLIANO entered the luncheonette at which time MAZZARATI crossed the street and also entered the premises. At 1:22 PM the unknown male exited the premises and left the area. At 1:24 PM, GAGLIANO exited the premises and left the area. At about 1:30 PM the following conversation between CARUSO and MAZZARATI was intercepted: CARUSO begins to tell MAZZARATI about a problem he was having with "MIKE" and "BLUE" and says "I think I told you this story." MAZZARATI - "No, go ahead." CARUSO continues to discuss the matter and MAZZARATI comments "BLUE is a funny guy." The discussion continues and CARUSO tells MAZZARATI that "BLUE" is apparently angry with "MIKE" and that he (CARUSO) has to solve the problem. MAZZARATI then advises CARUSO to tell "BLUE" what has happened and that he should come on back."

NEED FOR INTERCEPTION

8. Based upon the information alleged in all the preceding paragraphs and from his own experience during the past four years and the experience of the other Special Agents of the Federal Bureau of Investigation, as well as that of members of the New York City Police Department, in investigating illegal gambling operations, your affiant believes that:

a) The allegations set forth in Paragraphs 15 through 20 of Exhibit D-3 are still operative regarding this investigation and support the need for continuing interception.

b) Though some evidence has been obtained by virtue of the monitoring conducted pursuant to the Court order initially authorizing interceptions (Exhibit D-3), the full scope of the conspiracy under investigation and the nature and roles of all of the participants therein has not yet been fully revealed. For example, some code names used by the combine have been developed. Also, one intercept of MAZZARATI'S conversation with CARUSO has been made. But though SOLMA has been in and around the premises of the ROSEWOOD LUNCHEONETTE his role has not yet been fully developed.

9. Your affiant believes also that the continued operation of electronic monitoring devices from within the premises of the ROSEWOOD LUNCHEONETTE will not be likely to infringe on members of the public at large. As reflected in Paragraph 12 (d) of Exhibit D-3, the premises of the ROSEWOOD LUNCHEONETTE closed about July 20, 1974. More recent investigation establishes that the premises reopened on August 19, 1974 as planned. Despite this, however, public traffic into the premises is very light; in the course of frequent observations less than ten people on any given business day have been seen to patronize the place as customers. Additionally, any possibility of intercepting conversations of members of the public will be greatly minimized by the use of contemporaneous physical observations

of the premises.

10. Minimization of public interception can be accomplished through limiting monitoring of conversation in the area of public use. This is possible since the premises will be under visual observation and the members of the gambling operation are identifiable. Likewise, the voices of the members of the operation have been identified and monitoring can be restricted to their voices. Furthermore, the usual means and standards of minimization will be employed.

11. Inasmuch as the illegal gambling business described hereinabove is a continuing conspiracy, the evidence sought through the interception of wire communications to and from telephone number (212) 231-9506 and the oral communications emanating from the premises of the ROSEWOOD LUNCHEONETTE at 3263 White Plains Road, Bronx, New York, will be obtained on a continuing basis on several days succeeding the first receipt of communications, which is the objective of this request. Therefore, it is requested that these interceptions not terminate when the sought for communications are first obtained but continue until interception reveals the identities and roles of the confederates of FRANK CARUSO, MICHAEL DITURI, ROBERT D'ADDARIO, LOUIS VACCARELLI, LEO FARANDA, MICHAEL CAGLIANO, ALDO MAZZARATI, GAETANO SOMMA, and others as yet unknown, their places of operation and the nature and scope of the conspiracy involved therein or for a period of twenty (20) days from the date of the order, whichever is earlier.

CURRENT INFORMATION

12. On August 23, 1974, FRANK CARUSO placed two outgoing calls over telephone number 231-9606 to MICHAEL DITURI at telephone number 547-8607 (MIKE'S EXPRESSO):

a) At about 12:47 PM CARUSO called DITURI and they discussed the betting lines on baseball games being played on that day. In the course of this conversation CARUSO tells

DITURI to put Atlanta at "6 to 7" and tells him to wait for the lineups to be announced.

b) At about 2:52 PM, CARUSO called DITURI and they discuss whether a third individual had visited DITURI. DITURI tells CARUSO that "he was here" and further states that "he" also had to see "LEO" and "LOUIS." (Based upon affiant's experience in investigating illegal gambling businesses, and this business in particular, your affiant believes that "he" refers to another participant in the illegal gambling business who was going to the various premises used by the gambling operation on that date and that "LEO" and "LOUIS" refer to LEO FARANDA and LOUIS VACCARELLI, respectively).

13. On September 3, 1974 at about 12:10 PM, LEO FARANDA called telephone number 231-9506 and spoke to GINA SOMMA. FARANDA asks GINA SOMMA for "what's his name" and then explains that "he's" (LEO) at the place" and that he has a "slip" that FRANK might have been looking for. CARUSO then entered the telephone conversation and tells FARANDA that "he (CARUSO) can't talk to him now" and further tells FARANDA to send the "slip" to him. (Based upon affiant's experience in investigating illegal gambling businesses, and this business in particular, your affiant believes that the term "slip" refers to a record used by and made in the operation of the illegal gambling business.

14. On August 26, 1974, Special Agent Robert M. Caffrey observed ROBERT D'ADDARIO enter the premises of the ROSEWOOD LUNCHEONETTE at about 12:48 PM. At about 1:10 - 1:15 PM, he observed MICHAEL GAGLIANO also enter. At about 1:13 PM a conversation between D'ADDARIO and GAGLIANO was intercepted. D'ADDARIO and GAGLIANO discuss a mix-up in "work" that GAGLIANO had with him. D'ADDARIO states that he couldn't find "it" and asks GAGLIANO if he "marked the envelopes." GAGLIANO then states that he had everything else and the conversation ends with D'ADDARIO

telling GAGLIANO to contact "JIMMY" and "J.B.". (Based on affiants experience in investigating illegal gambling businesses, and this business in particular, your affiant believes that the "envelopes" mentioned above contain the daily records of the gambling combine and that "J.B." is a code name for another participant in the gambling operation).

15. On September 3, 1974, at about 1:32 PM a conversation between FRANK CARUSO and an unknown male, emanating from the premises of the ROSEWOOD LUNCHEONETTE, was intercepted. CARUSO and the unknown male discuss the wager by a bettor of over \$100 on a baseball game. CARUSO asks the unknown male "if he got the bet in," and the unknown male responds "NO, I was going to give it to you because LEO always told me to call the store." CARUSO then tells the unknown male "Let LEO give him the number. He can call LEO."

WHEREFORE, I submit the information developed in the course of the investigation, as set forth in preceding paragraphs, provide sufficient facts to establish that FRANK CARUSO, MICHAEL DITURI, LEO FARANDA, ROBERT D'ADDARIO, LOUIS VACCARELLI, MICHAEL GAGLIANO, GAETANO SOMMA, ALDO MAZZARATI, and others as yet unknown, have been, are, and will continue to commit offenses involving the use of the premises of the ROSEWOOD LUNCHEONETTE, located at 3263 White Plains Road, Bronx, New York, and the use of telephone line and instrument bearing number (212) 231-9506 listed to MURRAY STEVENS EXPRESS COMPANY, located in the premises of the ROSEWOOD LUNCHEONETTE, which are an integral part of an illegal gambling business that is being conducted in violation of Article 225 of the New York State Penal Law, and in which five or more persons participate and which has a gross income of \$2,000 in any single day, and which has been and remains in substantially continuous operation for a period in excess of

thirty (30) days, thereby constituting a violation of Section 1955 of Title 18, United States Code, and a conspiracy to commit such offenses in violation of Section 371, of Title 18, United States Code.

JULIUS J. BONAVOLONTA
Special Agent
Federal Bureau of Investigation

Sworn to and subscribed to before
me this day of

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

BEST COPY AVAILABLE

In the Matter

of

the interception of certain wire communications transmitted over telephone lines and instruments presently assigned numbers 594-6406 and 736-2552, listed to Oscar Blackman Associates and located in room 744-A of 55 West 42nd Street, County, City and State of New York.

EAVESDROPPING
VARIANT

It appearing from the affidavits of Alfred J. Scotti, Acting District Attorney of the County of New York, Ronald Goldstock, Assistant District Attorney of the County of New York, Alfred Wilson, New York City Police Department, and Maurice J. Roussell, A.D.A., said affidavits having been submitted in support of this eavesdropping warrant and incorporated herein as a part hereof, that there are reasonable grounds to believe that evidence of the crimes of Promoting Gambling, Possession of Gambling Records in violation of Art. 225 of the Penal Law and Conspiracy to commit said crimes may be obtained by intercepting certain wire communications transmitted over the above-captioned telephone lines and instruments, and the Court being satisfied that comparable evidence essential for the prosecution of said crimes could not be obtained by other means, it is

ORDERED, that the District Attorney of the County of New York, or any police officer of the City of New York acting under the direction and supervision of said District Attorney, is hereby authorized to intercept and record the telephonic communications of the persons described in the supporting affidavits herein, their co-conspirators, agents

and associates as described and delineated in paragraph 9 of the herein incorporated affidavit of Ronald Goldstock, transmitted over the above-captioned telephone lines and instruments, and it is further

ORDERED, that nothing herein contained shall be construed as authorizing the District Attorney or his agents to overhear or intercept any communication which appears privileged or unrelated to the aforementioned crimes, and it is further

ORDERED, that the agents and employees of the New York Telephone Company are directly constrained not to divulge the contents of this order nor the existence of electronic eavesdropping over the above-captioned telephone lines and instruments to any person including but not limited to the subscriber of the above-captioned telephone instrument whether or not the said subscriber requests that the said telephone instrument be checked of the existence of said electronic eavesdropping equipment, and it is further

ORDERED, that this eavesdropping warrant shall be executed as soon as practicable and shall be effective the 19th day of September, 1973, and its authorization shall continue until the evidence described in paragraph 9 of the aforementioned affidavit of Ronald Goldstock shall have been obtained, and said authorization shall not automatically terminate when the communications described in said paragraph 9 have been first obtained, but in no event shall said authorization exceed twenty-one (21) days from its effective date, to wit, the 9th day of October, 1973.

W. Bruce R. Lewis
Justice of the Supreme Court

Dated: September 18, 1973.

In the Matter

of

the interception of certain wire communications transmitted over telephone lines and instruments presently assigned numbers 594-6466 and 736-2552, listed to Oscar Blackman Associates and located in room 744-A of 55 West 42nd Street, County, City and State of New York.

APPLICATION FOR
EAVESDROPPING
WARRANT

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

ALFRED J. SCOTT, being duly sworn, deposes and says:

I am the Acting District Attorney of the County of New York, State of New York, in the actual absence of District Attorney Frank S. Hogan, and as such, make this application for an eavesdropping warrant authorizing the interception of certain wire communications.

I have read the annexed affidavits of Assistant District Attorney Ronald Goldstock, New York City Police Sergeant Alfred Welsch and Special Agent Maurice J. Russell, FBI, which are incorporated herein and made a part of this application.

Based upon the facts set forth in said affidavits, I respectfully submit to the court that there are reasonable grounds to believe that essential evidence of crimes may be obtained by the interception of the wire communications described in paragraph 8 of Mr. Goldstock's affidavit.

In my opinion, there are no practical alternative means of acquiring comparable evidence or information. I believe the nature of the criminal activity involved is of sufficient public importance to warrant the employment of electronic interception devices.

WHEREFORE, it is respectfully requested that an Eavesdropping Warrant in the form annexed be issued.

Alfred J. Lewis

Sworn to before me this

18th day of September, 1973.

Alfred J. Lewis

Notary Public, State of New York
No. 0014433
Qualified in Bronx County
Certificate Filed in New York County
Term Expires March 30, 1974

-----x
In the Matter :

of :

the interception of certain wire
communications transmitted over
telephone lines and instruments
presently assigned numbers 594-
6466 and 736-2552, listed to Oscar
Blackman Associates and located in
room 744-A of 55 West 42nd Street,
County, City and State of New York.

: AFFIDAVIT IN
SUPPORT OF
: APPLICATION FOR
EAVESDROPPING
: WARRANT

-----x
STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

ALFRED WELSOME, being duly sworn, deposes and says:

1. I am a Police Sergeant in the New York City
Police Department, Shield #1773 currently assigned to the
Public Morals Division, Central Investigation Section of the
Organized Crime Control Bureau (hereinafter OMCCIS), one of
the principal functions of which is to investigate large
scale gambling operations. I have been a police officer for
fourteen years, the last nine of which I have been assigned to
similar units. In the course of my official duties, I have
made and supervised over 400 arrests for violations of the
New York State Gambling Laws, in connection with which, I
have been accepted as, and testified as, an expert witness
in Grand Juries, Criminal Courts and Supreme Courts of all
five New York Counties. In addition I have been consulted
as an expert on gambling matters by the District Attorney
Offices of Nassau and Westchester Counties as well as by
agents of the Federal Bureau of Investigation and the Internal
Revenue Service. I presently supervise a team of police

officers specializing in bookmaking investigations. Pursuant to court order, I have had occasion, as have all of my team members, to listen to, record, analyze and make use of the daily routine business conversations of bookmakers and wireroom operators using their specialized jargon of the trade.

2. I am currently investigating an organized bookmaking operation which is based in New York County and which employs the above-captioned premises as a gambling wireroom.

3. This affidavit is submitted in support of Acting District Attorney Alfred J. Scotti's application for an eavesdropping warrant.

The Prototype Gambling Operation.

4. A wireroom is the nerve-center of a gambling operation. Generally located in an apartment or empty store or a small office, it is manned by clerks who accept and process wagers on sports events and horse races. The clerks in the office are in communication with other wirerooms to "lay off" excess bets they have accepted and to check the "line" (the odds on the various contests). At night the "work" (written records of bets) is taken from the wireroom to a "figureroom" where the "figuremen" totals the amounts of money won and lost by each player and runner (the man responsible for a group of players). The figures are then returned to the wireroom to be disseminated the following day.

Background of the Subjects of this Investigation.

5. Frank Reid a/k/a Frank Ritter a/k/a Red Reed has a history of involvement in illegal bookmaking activity for over forty years as a partner in the notorious Courtney-Reed gambling combine. As early as 1950, the Commanding Officer of the Police Commissioner's Confidential Investigating Unit described Courtney and Reed as "the dominant factors in the American Gambling Syndicate in Montreal, Canada."

On March 30, 1961 a story in the New York Daily News, described Courtney's and Reed's operation as a "\$30,000 a day business" which was carried out "from the cabanas of the plush \$15 million Eden Roc Hotel" in Miami Beach.

Three years later, in October 1964, the then U.S. Attorney for the Southern District of New York, Robert Morgenthau, announced the indictment of Reed and Courtney on charges relating to their conducting a bookmaking operation from June 30, 1959, to June 30, 1963. Mr. Morgenthau noted that at the time of the indictments both were serving in "managerial" positions at the gambling casino of the Lucatan Beach Hotel on Grand Bahama Island in the British West Indies and were hence not extraditable. The records of the United States District Court for the Southern District of New York disclose however, that in January, 1969, Reed was convicted of failure to file a partnership agreement and was sentenced to a \$5,000 fine and six months in prison.

In reporting the indictments the New York Times noted that the Miami Crime Commission in March of 1964 stated that "the two biggest lay-off operations and the two biggest heaviest bookmakers in the country probably were Max Courtney and Red Reed." (See attached newspaper articles - exhibit 1).

6. Background of this Investigation.

During the course of an investigation into organized gambling activity conducted by the Federal Bureau of Investigation in the early months of 1973, telephonic conversations between bookmakers were intercepted by special agents of that bureau pursuant to court order. One such conversation occurring on February 9, 1973 disclosed that at that time the above-captioned premises were being used by a bookmaking operation to accept bets on sports events. That conversation (with my explanatory remarks in parenthesis) is set forth below in paragraph 5a. During the week of February 26, 1973, the telephone number of said premises was transmitted to me by Special Agent Richard Nally of the FBI, for investigation. Said numbers 736-2552, and 594-6466 are according to the official records of the New York Telephone Company listed to Oscar Blackman Associates and located in room 744-A of 55 West 42nd Street, New York City. I, and police officers acting under my direction, checked the premises periodically throughout the month of March, and discovered that the operation had apparently discontinued the use of that office as a wireroom. However, renewal surveillance in August, as set forth below, demonstrated that illegal bookmaking activity was once again being carried out at that location. It should

be noted that in the interests of security, a bookmaking operation frequently changes the location of their wireroom, often alternating between several different premises.

6a. Conversation of February 9, 1973.

6:42 P.M. - Outgoing Call to Telephone #736-2552 - Busy Signal

6:42 P.M. - Outgoing Call to Telephone #594-6466 - Busy Signal

6:43 P.M. - Outgoing Call to Telephone #736-2552 - Caller (C)
Receiver (R)

R Hello.

C Hello Tony for Queens.

R Ya.

C I got you Uncle.

R Hello, hello.

C Ya, Uncle this you.

R Ya.

C Jesus Christ Almighty, someone give me your number to go in on (laughter)

R How did you get here?

C Oh.

R As long as you are here I'll know you're not using the game anyway, huh.

C Ya, well it's good for the same game.

R Okay well who gave you this number.

C Ah, Queens.

R Queens.

C Ya.

R I'm not sure Queens gave Uncle my number.

C (Laughter)

R Small world, huh.

C Ya, it's a small market like you said.

R What do you want.

C We are looking for that De Paul (We want to lay-off bets on De Paul)

R I know everybody is looking.
 C Everybody is hanging on that De Paul.
 R I got it off the board [I am not taking any bets on that game]
 C Ya, I'd personally watch yourself with that one.
 R De Paul huh.
 C Ya, De Paul the sight.
 R Ya, okay kid.
 C Bye - bye now.

7. Observation Reports of August 20 and 21, 1973.

Set forth below are copies of observation reports prepared by members of my team regarding the surveillance of room 744-A of 55 West 42nd Street from room 750 located directly across from the rear window of 744-A. The subject referred to is a male/white/ 45-50 y/o / app. 190 lbs./ wearing glasses. A picture of "subject" is annexed hereto as Exhibit 2.

7a. August 20, 1973	Time	Observation Remarks
	1230	Subject was in above room 744-A.
	1231	Subject on telephone making notations.
	1232	Hung up.
	1234	Answers telephone - makes notations and refers to scratch sheet.
	1236	Hung up.
	1239	Dials out. Conversation - makes notations.
	1240	Hung up.
	1241	Answers telephone - conversation - refers to papers - makes notation. Lined slips flipped over.

1242 Discontinued observations.

1330 Subject on telephone - conversation, making notations - hung up and read newspaper.

1340 Answers telephone - subject looked at scratch sheet and made notations..

1342 Hung up.

1346 Answers telephone - conversation - made notations.

1347 Hung up.

1351 Dials out - conversation. Looks thru papers.

1355 Hung up.

1357 Answers telephone - conversation - made notations.

1358 Hung up.

1404 Answers telephone - conversation - made notations.

1407 Hung up.

1412 Subject got up from desk and left the room.

1413 Subject on elevator going down.

1416 Subject left the above building. Officer's discontinued observations.

7b. August 21, 1973

<u>Time</u>	<u>Observation Remarks</u>
1203	Subject in room 744-A
1204	Dials out. Lines off paper.
1206	Dials out. Makes notations.

- 1210 Dials out. Makes notations.
- 1212 Reads scratch sheet. Makes notations.
- 1213 Dials out. Makes notations during conversation.
- 1216 Incoming call on other phone, answers and makes notations.
- 1217 Incoming call on other phone. Makes notations.
- 1219 Answers telephone and makes notations.
- 1220 Hung up and answers telephone, turning to scratch sheet, refers/it and makes notations on white pad, long pad appears to be similar to Jersey pad.
- 1225 Incoming calls, answers both phones, puts one down, refers to papers front of him, makes notations, answers other phone and makes notations, hangs up and continues to make notations.
- 1228 Opens envelopes and removes papers from same and makes notations.
- 1230 Answers phone and makes notations.
- 1232 Hung up phone.
- 1233 Answers phone and makes notations.
- 1236 Answers phone - talks and puts phone down.
- 1237 Answers phone. Makes notations.
- 1238 Picks up call at 1236 hrs and talks and hangs up at 1239 hrs.
- 1240 Dials out, conversation, makes notations.

- 1242 Dials out again - hangs up and makes notations.
- 1243 Incoming call. Makes notations.
- 1245 Dials out. Makes notations.
- 1250 Gets up and walks around.
- 1253 Incoming call - conversation, reads from paper. Armstrong Daily makes notations.
- 1256 Dials out, busy, dials again, conversation.
- 1258 Dials out. Makes notations.
- 1259 Dials out. Hangs up. Adjusts papers, makes notations on slips of paper.
- 1304 Answers phone - makes notations.
- 1307 Dials out - conversation
- 1308 Incoming call on other phone conversations - makes notations.
- 1309 Picks up call at 1307 hrs. refers to scratch sheet - makes notations.
- 1315 Dials out - makes notations. Picks up other phone, makes notations, hangs up.
- 1320 Incoming call refers to sheet, hangs up and makes notations.
- 1323 On phone looks thru papers, makes notations.
- 1326 Subject looking over slips, appear to be lined.

- 1327 Dials out. Flips over sheet.
- 1330 Hangs up.
- 1332 Reviewing slips.
- 1334 Picks up and reads newspapers, picks up long size paper and examines same.
- 1340 Dials out, hangs up and dials again, makes notations, refers to newspaper and sheet while talking.
- 1341 Dials out, hangs up, and dials again, turns papers and makes notations.
- 1342 Incoming call makes notations, refers to sheet, makes more notations.
- 1344 Incoming call, makes notations, hangs up.
- 1346 Dials out, makes notations.
- 1347 Hangs up, makes notations.
- 1348 Subject looking over Armstrong.
- 1349 Incoming call, makes notations, flips through slips, makes notations.
- 1350 Hangs up, incoming call, looks through slips and makes notations.
- 1351 Hangs up, gets up and then sets again, makes notations.
- 1356 Dials out, makes notations.
- 1358 Hangs up.
- 1401 Dials out, makes notations on slips of paper.

- 1402 Incoming call - flips through paper, makes notations, hangs up.
- 1405 Sitting at desk doing figures.
- 1430 Subject got up from desk, looks at watch and put out lights, and left premises.

7c. Significance of Observation.

The National Armstrong Daily which the subject was observed using is a horse racing publication extensively used by bettors and bookmakers. The Jersey Pads on which the subject was observed making notations are typical of those used in bookmaking operations.

Additionally the day-time hours of bookmaking operations traditionally are 11:30 A.M. to 3:00 P.M. Thus the use of the two telephones during those hours is extremely significant. In that regard, it should be noted that several times, the above-captioned telephones were called by members of my team after 2 P.M. and on no occasion was there an answer.

8. Informant Information as Received by Special Agent Maurice Roussell, FBI.

On August 28, 1973, I was advised by Special Agent Maurice Roussell of the FBI, that he received information regarding telephone numbers 736-2552 and 594-6466 from a confidential informant who is known to Special Agent Roussell and who was proven reliable in the past. Informant stated that he is a personal acquaintance of Bucky (JNU) and has been

taken into his confidence with regard to his illegal business enterprises. According to informant, who stated that he has spoken to Bucky about the gambling business at said numbers, Bucky has told informant that he and Larry (LNU) operate a wireroom for Frank Reid at a premises containing those telephones, and that he uses said telephones to contact Frank Reid with regard to the business. (See Affidavit of Special Agent Roussell which is annexed hereto.)

9. Recent Observations.

During the past two weeks I have periodically assigned police officers to maintain surveillance at the above-captioned premises. As recently as September 10, 1973 they have observed the clerk described in paragraph 7 supra in room 744 A between the hours of 12 P.M. and 2 P.M. On several occasions, tails have been maintained on the clerk after he has left the premises. Aside from the fact that he is extremely tail conscious e.g. looking about before entering subway, standing in front of a house 1/2 hour before going inside, circling a block then suddenly stopping and turning around etc., no intelligence has been gained with respect to his associates. It should be noted that the only information we have obtained with respect to his associates, aside from Special Agent Roussell's information, is from a person who works in 55 West 42nd Street who has on occasion seen a second man use room 744A.

10. Electronic surveillance of the above-captioned telephone would provide the following information which would be unattainable using conventional means of investigation:

1. the obtainment of intelligence necessary for the identification of all members of the gambling operation including the wireroom operators, figuremen, clerks, runners, and bosses.

2. the procurement of evidence necessary for the successful prosecution of those persons.

3. the location of wireroom in associated operations. [The odds given by a gambler on a sports event are so formulated that if an equal amount of money is bet on all possible outcomes of that event, the bookmaker is insured a percentage of the total money wagered (vogorish). Thus, in the interests of achieving such a balance, the office, having the totals of all bets it has accepted will lay-off excess amounts with a lay-off room.]

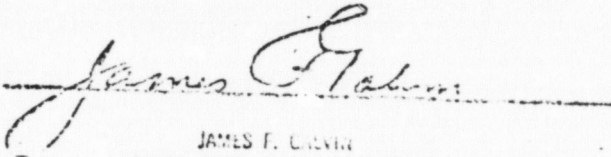
4. 11. It is clear that electronic surveillance of a wireroom can result in the successful prosecution of an entire gambling operation when combined with conventional means of investigation. The latter, used alone, can only lead to the arrests of the wireroom clerks. Such clerks can be replaced, causing only temporary inconvenience. It is my opinion that a gambling operation can be stopped only when the bosses cannot direct it, and the runners cannot conduct it.

12. Surveillance has been maintained as indicated above for a period of about two weeks on the subject clerk. It is clear that aside from his arrest, such conventional investigative techniques would provide none of the other desired results. The reason is basically that in order to provide maximum security and to work with speed and efficiency,

gambling operations rely on the telephone. Thus meetings between principals are kept to a minimum and payments and collections are accomplished by intermediaries. In addition, the persons involved in this type of criminal activity are very wary, often tails are difficult to maintain, and meetings difficult to surveille. It is only through the use of information obtained by electronic eavesdropping in this case can investigators have insight into the purpose of, and realize the significance of, such meetings.

Sworn to before me this

18 day of September, 1973.



JAMES F. GALVIN
Notary Public, State of New York
No. 41-1567235 - Queens County
Certificate Filed in New York County
Term Expires March 30, 1975

STATE OF NEW YORK:

COUNTY OF NEW YORK:

301

MAURICE J. ROUSSELL, being duly sworn, deposes and says:

1. I am a Special Agent with the Federal Bureau of Investigation, Department of Justice. I make this affidavit in support of an application for Eavesdropping order on telephone numbers 594-6466 and 736-2552, both located at 55 West 42nd Street, Room 744A, listed to OSCAR BLACKMAN ASSOCIATES.

2. The information upon which I make this affidavit has been given to me directly by an informant of the Federal Bureau of Investigation whom I shall refer to as Mr. A. Mr. A. has been an active informant with the New York Office of the Federal Bureau of Investigation for approximately three years, and has been contacted by me. I believe Mr. A. to be a highly reliable informant and in the past information supplied by this individual has resulted in a total of 25 indictments of individuals involved, in the New York Metropolitan area, in illegal gambling activity, which have resulted in 20 convictions. In addition, Mr. A. has given information which contributed to the arrest of 25 individuals who were charged with gambling violations. Information supplied by said informant has been corroborated in several instances by independent investigation and has always been found to be truthful.

3. On August 28, 1973, Deponent was told by Mr. A that he had been informed, within ten days prior to that date, that FRANK REID operates an illegal gambling operation in association with one BUCKY, REID'S right-hand man. BUCKY frequents and sits on occasion in REID'S wire room, telephone number 736-2552 and 594-6466. Mr. A also stated that one LARRY also frequents this wire room and works as a clerk for REID. Mr. A stated on a number of occasions he has called the aforementioned numbers and discussed gambling matters with BUCKY AND LARRY.

4. Deponent further said that this confidential informant of his Agency, Mr. A. whose information in the past has been independently verified, stated to the Deponent that the said BUCKY discussed gambling matters with REID on a daily basis, and maintains gambling records.

5. Mr. A. states that he personally knows BUCKY and was told the aforementioned facts personally by "BUCKY". BUCKY, also told Mr. "A" that the "Code Name" "System" is used to call in bets on the above telephone numbers, that is, bettors are required to use a code name before their bets can be accepted.

NEW YORK, NEW YORK

Maurice J. Russell

Geraldine H. Meyer
NOTARY PUBLIC

*New York, N.Y.
September 7, 1973*

GERALDINE H. MEYER
Notary Public, State of New York
No. 24-2530758
Qualified in Kings County
Certificate filed in New York County
Commission Expires March 30, 1975

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

In the Matter

of

the interception of certain wire communications transmitted over telephone lines and instruments presently assigned numbers 594-6466 and 736-2552, listed to Oscar Blackman Associates and located in room 744-A of 55 West 42nd Street, County, City and State of New York.

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STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

RONALD GOLDSTOCK, being duly sworn, deposes and says:

1. I am an Assistant District Attorney in the Office of Frank S. Hogan, District Attorney for New York County, assigned to the Rackets Bureau, one of the principal functions of which is the investigation and prosecution of cases involving organized criminal activity.

2. In this capacity, I am conducting an investigation into a gambling operation managed by Frank Reid through the use of the above-captioned telephones and premises, in violation of Article 225 of the New York State Penal Law, specifically those provisions entitled Promoting Gambling, Possession of Gambling Records and Conspiracy to commit those crimes.

3. This affidavit is submitted in support of Acting District Attorney Alfred J. Scotti's application for an Eavesdropping Warrant.

4. The objects of this investigation are (1) the obtainment of intelligence necessary for the identification of all members of the gambling operation including wireroom operators, figuremen, clerks, runner and bosses (2) the procurement of evidence necessary for the successful prosecution of those persons (3) the location of wireroom in associated operations (4) the locations of the figurerooms of this and associated operations.

5. Based upon the information in Sgt. Alfred Welsome's and Special Agent Maurice Roussell's affidavits which I have read and which are attached, hereto, there is probable cause to believe that Frank Reid, Bucky (LNU) and Barry (LNU) are continuing to use the above-captioned premises and telephone to conduct a gambling operation.

6. It is clear that the objectives set forth in paragraph 4 can only be obtained through the use of court ordered electronic surveillance. Surveillance has been maintained for a period of time. The results of that surveillance and the reasons why other conventional means of investigation could not succeed in achieving the goals set forth in paragraph 4 supra, are set forth in Sgt. Welsome's affidavit.

7. Wherefore, I respectfully request that an eavesdropping order, in the form annexed, be issued by this Court.

8. Said Order is limited to conversations of Frank Reid, Bucky (LNU), and Larry (LNU), their confederates and co-conspirators including the individual pictured in exhibit 2 and those persons operating wirerooms for the purpose of accepting bets on horse races and sports events. Said warrant is further limited to conversations pertaining to bookmaking activity including the placing and accepting of bets, recitation of the line, arrangement of meeting to pay and collect monies, and discussions of persons engaged in illegal gambling activity as they occur over the above-captioned telephone. Said conversations can be expected to occur between 11 a.m. and 2:30 p.m., although they may extend to 10 p.m. should the operation use the wireroom during night bookmaking hours.

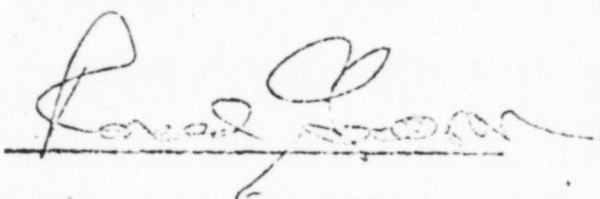
9. I am in possession of no information which would indicate that any of the conversations to be intercepted may be expected to come within any privilege under any applicable rule of law. The Eavesdropping Warrant will be executed in such a manner as to minimize the possibility of intercepting privileged or non-pertinent conversations. No conversations which appear privileged or unrelated to this investigation will be intercepted.

10. All appropriate investigating techniques will be used in conjunction with information obtained from the intercepted conversations and all leads will be followed with the purpose of insuring the success of obtaining sufficient intelligence and evidence for successful prosecution of the conspirators.

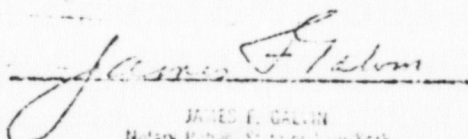
11. The conversations to be intercepted will be recorded under my supervision on tapes which will be safeguarded and kept at all times in the custody of the Bureau of Investigation of the New York County District Attorney's Office, will be protected from editing or other alteration and will be used solely and appropriately in the lawful investigation and prosecution of the crimes referred to in paragraph 2 supra.

12. In view of the continuing nature of the criminal activity described herein, it is further requested that should this order be granted, its authorization for interception not automatically terminate when conversations of the type described in paragraph 8 have been first obtained. It is my opinion that evidence sufficient to properly prosecute the appropriate persons committing the crimes referred to in paragraph 6 supra, can be obtained only by the interception of several conversations. In no event, however, should said order authorize interception for more than twenty-one (21) days after its effective date.

13. No previous application for the same or similar relief has been made.



Sworn to before me this
18 day of September, 1973.



JAMES F. GALVIN
Notary Public, State of New York
No. 411021-25 - 1st Year Comm.
Certificate filed in New York County
John Exp. on March 30, 1975

Exhibit "1"

New York Herald Tribune 10/1/34

Jury Here Indicts 3 Leading Bookies

By EDWARD RANZAL

Three top bookmakers, described by the Government as members of the biggest gambling syndicate in the country, were indicted yesterday by a Federal grand jury for failing to purchase the \$50 Federal gambling tax stamp.

The three are now operating the first legalized gambling casino in the Grand Bahamas. The indictment covers a five-year period when the three partners operated in New York and Miami, handling millions of dollars in bets on sporting events.

The defendants are Max Courtney, whose real name is Morris Schwartz, 65 years old, of the Hampshire House, 150 Central Park South; Frank

Reid, also known as Frank Reid, 61, of 4525 Henry Street, the Bronx; and Charles Schneider, also known as Charlie Reid, 63, of 265 East 74th Street.

The indictment also named a fourth defendant, Dewey Lynch, 67, of 2 East 80th Street, accused of being a pay-off man and collector for the partners.

The crime charged in the indictment is not an extradition offense and the Government will be unable to prosecute the three bookmakers until they return to this country.

United States Attorney Robert H. Merckel said that the three customers included the Monte Carlo room, with the sanction of the Bahamian government, a one of whom bet as much as there. Louis Chabon, the Canadian, an individual, obtained \$100,000 on a sporting event. The Monte Carlo Room was designed to serve the event, promoted as a "strictly high-class European" group, with no connections with United States

The Internal Revenue Service had placed a lien on Courtney's cooperative apartment at the Hampshire House to assure payment of wagering taxes. The gambler has put the apartment up for sale for \$25,000.

The 12-count indictment covers the fiscal years from June 30, 1939, to June 30, 1944. It charges that all the defendants failed to obtain Federal wagering tax stamps and to pay the required tax to the Internal Revenue Service.

The maximum penalty on each count is one year in prison and a \$10,000 fine.

The wagering stamp requires the purchaser to file quarterly reports with the Internal Revenue Service and to pay a 10 per cent excise tax on net gambling profits. This permits the Government to keep tabs on the activities of gamblers who buy the stamp.

First January the Lucayan Beach Hotel in Freeport, Grand Bahama, opened its Monte Carlo room, with the sanction of the Bahamian government, a one of whom bet as much as there. Louis Chabon, the Canadian, an individual, obtained \$100,000 on a sporting event. The Monte Carlo Room was designed to serve the event, promoted as a "strictly high-class European" group, with no connections with United States

gamblers. But when the doors opened Reid was general manager, Courtney was credit manager and Schneider was a key employee. The three are still there, according to Mr. Merckel.

The Miami Cruise Commission reported last March that "the two biggest lay-off operators and the two biggest, heaviest bookmakers and sports bookmakers in the country probably were Max Courtney and Red Reid."



Schmertzler, alias Schmertzler.

Frank Reid, alias Red Reid.

Indicts 3 Gamblers Bahama's Got 'Em

Hilton Lewis
Herald Tribune Staff

Bookies who did an \$100 million a year with select clientele and yesterday for buy \$50 Federal tax stamps. Their pay-off agent was in them.

Courtney Robert M. said in announcement three bills were principals and in "managerial" at the plush gambling establishment last January. Beach Bahama Island British West Indies United States reside them. Mr. was hopeful that the hotel, after the indictments, them out of the and put them on a st heading for the Mr. Morgenthau et that this would

enthus identified

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CITY	POPULATION	STAMPS 1933
New York	8,079,750	1
Baltimore	2,002,512	92
Philadelphia	476,252	578
San Francisco	189,454	672
Chicago	20,227	615

By Milton Lewis
Of The Herald Tribune Staff

In all of New York City there is one legitimate gambler—Andrew J. Wisner.

Like the wife of other policy runners, he unlawfully has numbers with a penalty to \$1 six days and \$10 a different he is unique.

Mr. Wisner is the only gambler playing square with the law in this city. He is the only one who has a 500 Federal waiting tax stamp. This keeps the Federal Service off his back.

Two years ago he was away for 30 days before he had a stamp. He didn't like that. So he bought one. Mr. Wisner is a former state local police.

In 1931, Congress, in its wisdom, passed a bill which made all those who take bets, regardless of size, to get and pay a 500 tax stamp each year. Government statistics estimated that this would bring in \$400 million annually from sales of 500 stamps, but principally from those who had no stamp. The same law which requires gamblers to pay \$10 per cent excise tax on bets.

Well, the \$400 million figure was somewhat optimistic. In the Western and Eastern Federal districts of New York, which include all New York City and the various parts of the State up to the Albany line, a grand total of 12 stamps for the fiscal year which ended June 30, 1933.

In 1934 to 1935, the first four years of the tax stamp, the Federal government collected \$1,175,463, nearly 10 per cent of the \$400,000,000 it had thought it would collect without having a stamp.

The government has been able to collect its money from gamblers who have stamps or from their paying the 10 per cent tax. This came from the conviction of those who failed to enter the stamp. A total of 11 gamblers were arrested for violating the law. The penalty goes up to one year in prison for a first offense.

The law, however, to the gambling fraternity is a law that is not well-intentioned and is well-enforced.

When New York City police made nearly 2,000 gambling arrests in 1933 only 141 persons were indicted in the Southern District.

More on TWO-500 TAX STAMP—P. 12

(Continued from page one)

ern Districts for Federal tax-stamp evasion in the 12 months which ended June 30.

U. S. Attorney Robert M. Morgenthau attributed the discrepancy in the number of cases to several factors. First, he credited the New York City police force with the ability to enforce the state gambling laws. Second, information secured by wiretapping, useful to police in cracking down on gambling operations, cannot be introduced as evidence in Federal courts. And, third, once a gambler is convicted in a state court, law prohibits the U. S. government from using the same set of facts to pursue a Federal case.

However, every now and then the government brings up a big score. It knows that many big-time gamblers are also bankrolling narcotics as well as extortion and labor-referencing combines. Often it cannot get these individuals for the more serious crimes so it tries to send them away for lacking the 500 gambling stamp.

U. S. Attorney Robert M. Morgenthau has been eminently successful in his prosecution of such non-purchasers, and there is every indication that he intends to continue his drive in New York's gambling district.

Only last week he announced the indictment of three of the country's biggest bookies for failing to have the stamps. The three—Ben Greenberg, 60, known as "Big Ben"; Morris Schreiber, 55, known as "Big Morrie"; and Charles "Charley" Schreiber, 57, who served as both collector and pay-off agent.

Now, according to the government, Courtney and his band did an estimated \$100 million a year gambling business—and 10 per cent of that is indeed a big sum. Unfortunately, Courtney, Reed and Schreiber are not immediately available even for arraignment.

They are, according to prosecutor Morgenthau, doing fairly in "managerial" positions at the Garden Hotel, Hotel Casino in Atlantic City, Grand Bohemia. It earned for business, specializing in society balls, last January.

Courtney's group ran one of the largest gambling casinos in the United States and, according to Morgenthau, had numerous other interests. With direct control of the professional pool, such as the one at the Garden Hotel, it is a pleasure to do business with his associates.

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

In the Matter
of
the interception of certain wire
communications transmitted over ...

ORDER AND AFFIDAVIT

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

TO : Henry E. Petersen
Assistant Attorney General
Criminal Division

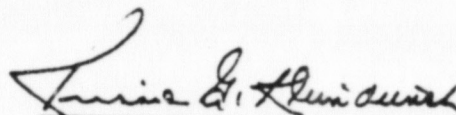
DATE: FEB 6 1973

FROM : The Attorney General

SUBJECT: Authorization for Interception Order Application

This is with regard to your recommendation that I authorize an application to a Federal judge of competent jurisdiction for an order under Title 18, United States Code, Section 2518, authorizing the interception of wire communications for a fifteen (15) day period to and from the telephone bearing the number 584-4399, located at 660 Crescent Avenue, Bronx, New York, and subscribed to by Rose F. Chianese, and the telephone number bearing 226-8904, located at 80 Thompson Street, New York, New York and subscribed to by William Marinelli; the same order likewise authorizing the interception of oral communications emanating from Al's Espresso located at 663 Crescent Avenue, Bronx, New York, and Cafe Espresso, located at 2339 Arthur Avenue, Bronx, New York, in connection with an investigation into possible violations of Title 18, United States Code, Sections 1955 and 371, by Joseph Denti, Joseph Sarcinella, also known as Sash, Vito DiSalvo, Joseph Falco, Skippy Last Name Unknown (LNU), Arnie (LNU), Vincent Landolfi, also known as Uncle, and others as yet unknown.

Pursuant to the power conferred on me by Section 2516 of Title 18, United States Code, I hereby authorize the above-described application to be made by any investigative or law enforcement officer of the United States as defined in Section 2510(7) of Title 18, United States Code.



RICHARD G. KLEINDIENST
Attorney General

2/6/73.

DATE

ASSISTANT ATTORNEY GENERAL
GENERAL DIVISION

Department of Justice
Washington 20530

FEB 6 1973

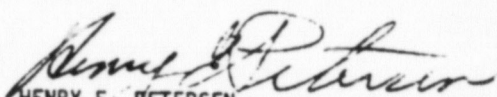
Mr. Edward M. Shaw
Attorney in Charge
New York Strike Force
New York, New York

Dear Mr. Shaw:

This is to advise you that pursuant to the power conferred on him by Section 2516 of Title 18, United States Code, the Attorney General has authorized an application to be made to a Federal judge of competent jurisdiction for an order under Section 2518 of Title 18, United States Code, authorizing the interception of wire communications for a fifteen (15) day period to and from the telephone bearing the number 584-4399, located at 660 Crescent Avenue, Bronx, New York, and subscribed to by Rose F. Chianese, and telephone bearing the number 226-8904, located at 80 Thompson Street, New York, New York and subscribed to by William Marinelli; the same order likewise authorizing the interception of oral communications emanating from Al's Espresso located at 663 Crescent Avenue, Bronx, New York, and Cafe Espresso, located at 2339 Arthur Avenue, Bronx, New York, in connection with an investigation into possible violations of Title 18, United States Code, Sections 1955 and 371, by Joseph Denti, Joseph Sarcinella, also known as Sash, Vito DiSalvo, Joseph Falco, Skippy Last Name Unknown (LNU), Arnie (LNU), Vincent Landolfi, also known as Uncle, and others as yet unknown. The memorandum of authorization approved by the Attorney General is attached hereto.

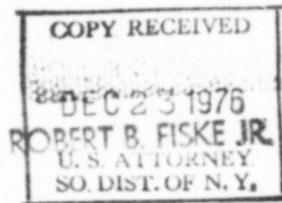
Accordingly, you or any other attorney on your staff who is an investigative or law enforcement officer of the United States within the meaning of Section 2510(7) of Title 18, United States Code, are authorized to make the above-described application.

Sincerely,


HENRY E. PETERSEN
Assistant Attorney General

Attachment

TWO
Service of ~~three~~ copies of the within
is admitted this 23rd day of December 1976.



UNITED STATES ATTORNEY FOR THE SOUTHERN
DISTRICT